

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

AFTERNOON SESSION

+ + + + +

TUESDAY

JUNE 25, 2002

+ + + + +

The Public Hearing convened in Room 220 South, 441
4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at
9:30 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
ANNE MOHNKERN RENSHAW	Vice Chairperson
CURTIS ETHERLY, JR.	Board Member
DAVID ZAIDAIN	Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner

(Architect of the
Capital)

COMMISSION STAFF PRESENT:

Sheri M. Pruitt, Secretary, BZA
Beverley Bailey, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Arthur Jackson, Office of Planning
Maxine Brown-Roberts, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Corey Buffo, Esq.

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P-R-O-C-E-E-D-I-N-G-S

(1:20 p.m.)

CHAIRPERSON GRIFFIS: Good afternoon. I would ask that this hearing please come to order.

This is the 25 June 2002 afternoon public hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Geoff Griffis, Chairperson. Joining me today is the Vice Chairperson, Ms. Anne Renshaw, and also Mr. Curtis Etherly. Representing the National Capital Planning Commission is Mr. David Zaidain on my left, and representing the Zoning Commission this afternoon on this case is Mr. May.

Copies of today's hearing are available to you. They are located at the table near the door where you entered into the hearing room.

I will reiterate -- and this may be familiar for everybody on this case this afternoon, but we are, of course, recording this entire proceeding and every proceeding, so that we ask you to refrain from any disruptive noises or any disruptive activity in the hearing room out of respect for the Board and also for those giving testimony today.

When presenting information to the Board, you will need to speak into the microphone. And although we have introduced most everybody before, we will ask you again to state your name and address for the record.

All persons planning to testify today, either in

1 favor or in opposition, should fill out two witness cards.
2 Witness cards are available at the testimony table and also the
3 table where the agendas are. Upon coming forward to speak to the
4 Board, you can give those cards to the recorder who is sitting to
5 my right.

6 The order of procedure was outlined before, but let
7 me reiterate. We will go through, first, the statements and
8 witnesses of the applicant. Second, we go to government reports,
9 all those attendant to this particular application -- Office of
10 Planning, DDOT, etcetera. The report from the Neighborhood
11 Advisory Commission will be third. Fourth, we will hear parties
12 and persons in support of the application. And, fifth, would be
13 parties or persons in opposition. And, sixth, would be closing
14 remarks by the applicant.

15 We have made some headway into this, so I will
16 reiterate exactly where we are and get clarification if I am
17 mistaken on that, and we will continue from that.

18 Cross examination is, of course, done of the
19 witnesses and is permitted by the applicant and or parties in the
20 case. The ANC within which the party is located is automatically
21 a party in the case.

22 The record will be closed at the conclusion of each
23 case, except for any material specifically requested by the
24 Board. The Board and staff will specify at the end of the
25 hearing exactly what is to be submitted and when timewise and who

1 should be doing the submissions into the Office of Zoning. After
2 the record is closed, clearly no other information would be
3 accepted by the Board.

4 The Sunshine Act requires that the public hearing
5 on each case be held in the open before the public. The Board
6 may, consistent with its rules of procedures and the Sunshine
7 Act, enter executive session during or after the public hearing
8 on a case for purposes of reviewing the record and deliberating
9 on the case.

10 The decisions of the Board in these contested cases
11 must be based exclusively on the public record. And, therefore,
12 to avoid any appearance to the contrary, we ask that persons
13 present today not engage Board members in conversation.

14 A couple of housekeepings. Of course, I would ask
15 that everyone turn off their cell phones and beepers at this
16 time, so that we don't disrupt the proceedings. Also, we're
17 having some technical difficulty with some of the microphones, so
18 I'll walk you through all of that if we get major feedback. But
19 just to outline, if we can, just be aware just to keep one
20 microphone on at a time. Otherwise, we may get some disruption
21 in that.

22 We will make every effort to conclude today by
23 6:00. At this point, we're coming off of a working lunch but a
24 good lunch. We're very optimistic that we will get through
25 everything we need to by 6:00 today. If that's not the case, we

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1 will clearly update everybody and get schedules cleared as we
2 move to that hour and see what the reality is.

3 At this point, we will consider any preliminary
4 matters. Preliminary matters are those that relate to whether a
5 case will or should be heard today, such as requests for
6 postponements, continuance or withdrawal, or whether a proper and
7 adequate notice of the hearing has been given. If you are not
8 prepared to go forward today or you believe that the Board should
9 not proceed with this case that is continuing, now is the time to
10 raise such a matter.

11 Let me just take note that we do have a motion
12 before us, and I want to take that up as a first issue after the
13 case is actually called. Other than that, does staff have any
14 other preliminary matters for us?

15 MS. BAILEY: No, Mr. Chairman.

16 CHAIRPERSON GRIFFIS: Okay. Are there any other
17 preliminary matters that anyone wants to raise at this time? Not
18 seeing any, then, I think we can call the afternoon case.

19 MS. BAILEY: Application Number 16836 of The
20 Washington Home, pursuant to 11 DCMR 3104.1, for a special
21 exception for an addition to an existing health care -- this is a
22 hospice facility. The applicant is proposing to increase the
23 number of beds from 201 to 205, and increase the number of
24 parking spaces from 75 to 173, under Section 219. The property
25 is located in an R-1-B District at premises 3720 Upton Street,

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1 N.W., Square 1825, Lot 818.

2 Is there anyone here today who was not here
3 previously and needs to be sworn in? Please stand to take the
4 oath.

5 (Whereupon, an oath was administered to those
6 persons planning to testify.)

7 MS. BAILEY: Mr. Chairman, I just wanted to remind
8 Mr. Zaidain that he needs to state on the record that he has read
9 the April 2nd testimony on this case.

10 MEMBER ZAIDAIN: I have done so, and I have also
11 read the file and all of the submissions, and I will be
12 participating.

13 CHAIRPERSON GRIFFIS: Good. And you were provided
14 with a full transcript of the last proceeding, correct?

15 MEMBER ZAIDAIN: Yes, I was.

16 CHAIRPERSON GRIFFIS: Excellent.

17 Thank you, Ms. Bailey, for that reminder, and good
18 afternoon to you.

19 Also, good afternoon to Ms. Pruitt who is here, and
20 also our corporation counsel this afternoon is Corey Buffo, and
21 we welcome him this afternoon.

22 Okay. That being said, when last we were together,
23 let me just refresh the Board's mind and just to get
24 clarification that in fact I am correct, we had gone through
25 several witnesses -- two? Is that what you're indicating?

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1 Right. Which was the traffic engineer, correct?

2 I'll tell you what. Why don't you outline what you
3 remember of where we were?

4 MR. KEYS: We had heard from the CEO of The
5 Washington Home --

6 CHAIRPERSON GRIFFIS: Yes.

7 MR. KEYS: -- Lynn O'Connor.

8 CHAIRPERSON GRIFFIS: Right.

9 MR. KEYS: And we had completed the direct
10 examination of Erwin Andres from Gorove/Slade.

11 CHAIRPERSON GRIFFIS: Okay.

12 MR. GRAHAM: And the Chair indicated at that time
13 that we would resume with questioning, first, from the Board --

14 CHAIRPERSON GRIFFIS: From the Board.

15 MR. GRAHAM: -- of Mr. Andres.

16 CHAIRPERSON GRIFFIS: Right. Exactly. And that
17 was my understanding also. However, let me just get
18 clarification that there are other witnesses that are being
19 called for the applicant's case. Is that correct?

20 MR. KEYS: That's correct, Mr. Chairman.

21 CHAIRPERSON GRIFFIS: Okay. What I'd like to do,
22 if it's appropriate with the Board and appropriate with you, is
23 continue the presentation of your case. We have our notes and
24 questions ready to go, but I think it's going to be even easier
25 if we just continue on and do the cross examination after the

1 entire case is presented. Does that give you any trouble?

2 MR. KEYS: Let me understand. You are going to
3 defer the cross examination of all witnesses?

4 CHAIRPERSON GRIFFIS: How many do you have?

5 MR. KEYS: I have four in addition to Mr. Andres.
6 Mr. Chairman, I just wanted to make sure if you're saying that
7 the Board will defer its questions until the end or whether
8 you're going to defer the -- Mr. --

9 CHAIRPERSON GRIFFIS: No, I understand your point.
10 It's a good point. Did you -- I don't have it in front of me.
11 Did you submit a witness list for us?

12 MR. KEYS: I think that we identified our witnesses
13 in the supplemental information. And at the beginning of the
14 case, I outlined who would be testifying on the applicant's
15 behalf.

16 CHAIRPERSON GRIFFIS: Okay.

17 MR. GRAHAM: I think there are actually three new
18 witnesses that I didn't know about until today, that I've just
19 been informed about. I may be wrong. Maybe it's two.

20 MR. KEYS: No, I think that it's only one witness
21 --

22 CHAIRPERSON GRIFFIS: Okay.

23 MR. KEYS: -- that was not on the list.

24 CHAIRPERSON GRIFFIS: Now, let's step back two
25 seconds. Let me have you introduce yourself, with your address

1 and I'll do the same.

2 MR. KEYS: My name is George Keys. I'm with the
3 firm of Jordan Keys & Jessamy, LLP. The office is at 1400 16th
4 Street, N.W., Washington, D.C., Suite 700. And I am counsel for
5 The Washington Home and Hospice.

6 MR. GRAHAM: And my name is John Graham, Jonathan
7 Graham. I'm at 3643 Tilden Street and quite close to The Home,
8 and I'm representing the citizens concerned about The Home's
9 expansion here today.

10 CHAIRPERSON GRIFFIS: Correct. And you are a party
11 in the case, Mr. Graham.

12 Okay. Mr. Keys, just outline again who you are
13 calling today.

14 MR. KEYS: Mr. Griffis, following the cross
15 examination of Erwin Andres, I would then call Laurie Dickeson,
16 the architect for the project, whose CV was presented to the
17 Board, and I believe --

18 CHAIRPERSON GRIFFIS: Yes.

19 MR. KEYS: -- accepted as an expert witness. I
20 would then follow with Mr. James Long. Mr. Long was not
21 originally on the witness list, but since Storm Water Management
22 has lately become such a large issue, we have brought that into
23 the process.

24 CHAIRPERSON GRIFFIS: Okay. And Mr. Long is a
25 civil engineer?

1 MR. KEYS: Is a civil engineer with Delana Hampton.

2 CHAIRPERSON GRIFFIS: I see.

3 MR. KEYS: And I will at that time present his
4 resume -- personal resume for your consideration.

5 CHAIRPERSON GRIFFIS: Okay.

6 MR. KEYS: Then, we would proceed with Ms. Liling
7 Tien, who is our landscape architect, whose CV was presented to
8 the Board.

9 And, finally, I have a witness that I may call, and
10 that is Mr. McGee. Mr. McGee is a home employee. He is a
11 facilities manager for The Home, and I will reserve judgment as
12 to whether I'm going to need him or not.

13 MR. GRAHAM: Mr. Chairman, may I ask a question?

14 CHAIRPERSON GRIFFIS: Yes. But, first, answer
15 mine. You did not have cross examination conducted of the
16 traffic engineer last, is that correct?

17 MR. GRAHAM: That's right. I haven't cross
18 examined him.

19 CHAIRPERSON GRIFFIS: Indeed. And we did have
20 cross examination by the ANC, is that correct?

21 MR. GRAHAM: We did not. There has been no cross
22 examination of Mr. Andres. They have only cross examined Ms.
23 O'Connor.

24 CHAIRPERSON GRIFFIS: I see. Okay. Good.

25 Mr. Graham, your question?

1 MR. GRAHAM: Does the Board adhere to the 60-minute
2 requirement stated in the rules, or is that honored in the
3 breach? I'm just curious, given the list of witnesses that Mr.
4 Keys has outlined.

5 MR. KEYS: Mr. Chair, my witnesses -- their direct
6 can be accomplished in 60 minutes.

7 CHAIRPERSON GRIFFIS: The first part of the
8 question is yes, I think we would adhere to the 60 minutes. And
9 in my limited experience, with that many witnesses it does not
10 necessarily mean they would take longer than that. My only
11 apprehension is, where did the clock leave last? Which I'm not
12 sure I see noted in my notes, so I'm not sure we can establish
13 that.

14 But I think it might be fair if the parties are
15 with an understanding that we would set it for 45 minutes and let
16 the clock run at that for today's hearing. Unless there is other
17 information that staff may be aware of, or others took notes of
18 what the clock ran previously. That would give you 15 minutes
19 into the 60 minutes. Is that acceptable, Mr. Keys?

20 MR. KEYS: Mr. Griffis, if you are proposing that I
21 run my witnesses one after the other with no interruption, I
22 think we can accomplish that. But it does make it difficult to
23 conduct the cross examination, because you've got to relate it
24 back to the testimony. And in experience, it is always easier if
25 the cross follows the testimony, so that it's fresher, so that we

1 can --

2 CHAIRPERSON GRIFFIS: So you want witnesses crossed
3 after they present.

4 MR. KEYS: I think that would be --

5 CHAIRPERSON GRIFFIS: That's fine. I don't have a
6 problem with that. Secondly, the witnesses can run straight
7 through. The Board will interrupt with questions as that -- as
8 the testimony is given.

9 The clock stops if the Board asks a question and
10 for the duration of the answer of the question, and starts again
11 when testimony is given, which is probably why we run a heck of a
12 lot longer than anticipated at times. But nonetheless, it's an
13 important part of the proceeding.

14 So getting all of that established and fleshed out,
15 Board members, I would suggest that we proceed with the case, and
16 we will cross each witness after their presentation. That leaves
17 us now -- I would suggest that we go to -- Ms. Dickeson was going
18 to be your next witness called, is that correct? Is that what
19 you stated?

20 MR. KEYS: That's correct, Mr. Chairman. But we
21 still have Mr. Andres.

22 CHAIRPERSON GRIFFIS: Oh, I haven't forgotten about
23 him. But let me ask if I can indulge you to bring on the
24 architect, and that we conduct our cross examination of both
25 witnesses at that time. I see a little bit of relation, although

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1 not much. I'm sure the architect is talking a little bit more
2 about the addition to it.

3 But, quite frankly, although we've reacclimated
4 ourselves with this, it helps to walk back into the project. So
5 if the Board is comfortable with that, if the parties are
6 comfortable with that, I would suggest that we would proceed in
7 that fashion. Is that acceptable to the ANC and Mr. Graham?

8 MR. GRAHAM: That's fine.

9 CHAIRPERSON GRIFFIS: Okay. Great. In which case
10 -- okay. And while that's getting set up, because we have bumped
11 your schedule a little bit, and your anticipation was doing --
12 Board, I would suggest that we take up the motion that we have,
13 and I will categorize it as a motion to compel.

14 And as we are all aware, it is a motion that this
15 Board instruct the applicant to produce certain documentations to
16 the community. And others can characterize it or summarize it
17 other ways, if it's appropriate or I haven't done it justice.

18 We have the motion -- and then there's a secondary
19 part of the motion -- if we do not compel the applicant to
20 produce, that we actually strike from the record certain
21 documentation that we have not compelled to produce. We do have
22 a response from Mr. Keys dated June 24th to this motion.

23 MR. GRAHAM: May I speak to it briefly?

24 CHAIRPERSON GRIFFIS: Yes, briefly, because I think
25 you've done an ample job outlining it in the written submission.

1 But, Mr. Graham, I'll give you a moment.

2 MR. GRAHAM: Sure. I just want to put it in the
3 context of what happened last time, because we heard some
4 testimony from Ms. O'Connor and from Mr. Andres that relied upon
5 background information. And I thought that the request would be
6 considered pretty reasonable in light of what the witnesses
7 actually said in response to questions from the members of the
8 Board as well as from me.

9 And I would just refresh the members of the Board
10 that if one reviews the transcript, for example, Member Etherly
11 asked, "Did your parking survey take a look at the mode of
12 transportation that visitors to the facility normally undertook?

13 If you're a visitor to the facility, are you primarily coming by
14 car or by taxi or by metro?" And Ms. O'Connor answered, "Good
15 question. We did do that. The specifics we can share with you.

16 I don't know what the results are off the top of my head."

17 I asked for those specifics in my letter, and we
18 never got anything back.

19 CHAIRPERSON GRIFFIS: What was the page cite on
20 that?

21 MR. GRAHAM: That's transcript at 81.

22 Mr. Andres testified that they had performed
23 employee surveys that The Home had administered. Transcript at
24 135. Mr. Andres testified that he looked at various sign-in
25 logs. Transcript at 137 and 138.

1 And then, Mr. Keys told this Board that when Mr.
2 Etherly asked whether a visitors' sign-in log recorded license
3 plate numbers, Mr. Keys said, "I think that for the traffic Mr.
4 Andres can probably provide a copy of the visitor log from one of
5 the prior periods." That's at the transcript at 93.

6 Again, I asked for the log. Mr. Etherly asked for
7 the log. We haven't seen it.

8 With regard to the parking garage, again, Mr. Kogan
9 -- Commissioner Kogan asked how much parking the earlier plan for
10 underground parking would have created, and Ms. O'Connor
11 responded, "I don't remember the specifics. I can provide them
12 for you." That's at the transcript at 95.

13 And then, with regard to alternative parking
14 programs, I asked Ms. O'Connor how much it would cost per year to
15 institute a valet program instead of building a parking lot for
16 \$2 million, and she said, "I don't know." I asked her how much
17 it would cost to institute a shuttle program, and she said, "I
18 don't remember." In fact, answered to the valet, "It's not I
19 don't know. It's that I don't remember. But we can provide
20 that." The transcript at 121.

21 I also asked her, "If you took that money and you
22 created a fund for the valet management, would it be more or less
23 costly?" and she said she didn't remember that from the top of
24 her head. So my expectation when we ended last time was that we
25 would get some of this information, so we could see that which

1 their own experts relied on and The Home relied on, and that's
2 all we're asking for.

3 CHAIRPERSON GRIFFIS: Indeed. Well, let me take up
4 first, in terms of compelling production of relevant information
5 or evidence, certainly, the Board has jurisdiction within the
6 hearing if it is required for our own deliberative process as
7 part of the case and as part of the testimony to require
8 submission of that documentation. That documentation obviously
9 would be given to all parties in the case and provided in the
10 public record in the case.

11 That brings me to the point that we are here, and
12 we are in this hearing, and I -- I would be of mind to deny the
13 motion to compel, not based on relevancy or appropriateness of
14 that requested, but, rather, on more of a procedural matter that
15 it is outside of our -- of the Board's -- well, I don't think the
16 Board wants to create that latitude of its authority in
17 compelling information to be delivered outside the hearing, which
18 I have -- which is the way I essentially view this motion at this
19 time.

20 And there on the second part, having stricken
21 information because it wasn't provided outside of our public
22 hearing, would I think jeopardize the integrity of our own
23 hearing process because that would be important aspects to, one,
24 the substantiation and the making of a case, but, two, and most
25 importantly, for our own deliberative process and in forming our

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1 decision on this case.

2 But I would hear others. Mr. May?

3 COMMISSIONER MAY: I would tend to agree, generally
4 speaking, with what you've laid out. I think that the -- if
5 there is such additional information out there that may have been
6 requested, if not very directly, by the Commission, it is
7 certainly in the applicant's best interest to provide that
8 information.

9 However, I don't feel that we are in a position to
10 compel them to provide anything. I mean, it's simply a matter of
11 making their case. And I also think, frankly, the -- any party
12 to the case or any individual is certainly in it -- would be in a
13 position to point out the holes or discrepancy in the applicant's
14 case and the lack of information, lack of supporting information,
15 as appropriate.

16 I don't see that there is reason to either compel
17 production of backup information or -- or strike anything that
18 has been presented. I mean, we base our decision on what has
19 been presented, and I would just hope that the applicant would
20 present as much information as possible to make the best cases
21 possible, and that the parties would do the same.

22 CHAIRPERSON GRIFFIS: That's an excellent point
23 that I had passed over. And, clearly, Mr. Graham and the ANC
24 would have the opportunity to cross examine in order to
25 substantiate the lack of documentation. It would, therefore, go

1 to not making a case.

2 So any others?

3 VICE CHAIRPERSON RENSHAW: Well, Mr. Chairman, it
4 is disappointing that when an applicant states that they would
5 comply with providing this, they offer to provide and then they
6 do not come forward with these documents. That is discouraging
7 and distressing.

8 I feel that we are able to ask for these items. I
9 think we should remind the applicant that the applicant stated
10 that it would share this material with us. And I think that the
11 applicant should take heed, and this information should be
12 forthcoming.

13 CHAIRPERSON GRIFFIS: Good. Thank you, Ms.
14 Renshaw.

15 VICE CHAIRPERSON RENSHAW: But that could be
16 separate from this motion to compel.

17 CHAIRPERSON GRIFFIS: Indeed. And I also want to
18 restate that we're not done here. So the opportunity for
19 submission of information -- and I don't take it that at this
20 point full documentation hasn't been provided, that the applicant
21 will not provide it. They have, and continue to have, the
22 opportunity as we see fit. If it doesn't come in voluntary, we
23 can obviously give direction on that.

24 Okay. Any other comments? I will give you an
25 opportunity to speak, but I would move that we deny the motion to

1 compel, and, subsequently, in the alternative, also deny the
2 motion to strike evidence as based on the submission by Mr.
3 Graham.

4 COMMISSIONER MAY: Second.

5 CHAIRPERSON GRIFFIS: Thank you, Mr. May. Any
6 discussion? All those in favor of the motion, signify by saying
7 aye.

8 (Chorus of ayes.)

9 And opposed?

10 (No response.)

11 MS. PERRY: Mr. Griffis, may I ask a question?

12 CHAIRPERSON GRIFFIS: Of course.

13 MS. PERRY: My name is Karen Perry from ANC-3F. I
14 understand that ANC-3C asked to have party status in this hearing
15 also. I don't know if that is taken up now, whether it's a
16 preliminary motion. I understand that request was made this
17 morning.

18 CHAIRPERSON GRIFFIS: Ah, no wonder I don't know
19 anything about it.

20 (Laughter.)

21 Is anyone --

22 MS. PERRY: Yes, there is a representative here
23 from 3C, and they did -- they had their meeting last night and
24 did pass a resolution in this case. They are the adjoining ANC
25 to ours.

1 CHAIRPERSON GRIFFIS: Right.

2 MS. PERRY: The Home used to be in their ANC before
3 redistricting, and they have residents within the 200-foot limit.

4 I didn't know if that should be brought up now or later.

5 CHAIRPERSON GRIFFIS: No, it's an excellent point.

6 It should be brought up, and it should be brought up right now.

7 I would start our very brief review of this with the fact that
8 our regulations clearly state out a time period of which party
9 status needs to be submitted. This is, in fact, even a continued
10 case. We've lapsed quite a bit in a substantial amount of time.

11 I would be inclined to strike this request based on
12 the timing and submission, but I would open the floor to my Board
13 for other opinions.

14 VICE CHAIRPERSON RENSHAW: Mr. Chairman, do I
15 understand you are suggesting this not be accepted?

16 CHAIRPERSON GRIFFIS: Exactly.

17 VICE CHAIRPERSON RENSHAW: And your reason is just
18 time?

19 CHAIRPERSON GRIFFIS: My reason is, one, specific
20 in this case, we are continuing this from April. There was ample
21 time previous to April, as the requirements would have been, for
22 a submission of a request for party status. We are now coming to
23 the end of June. It is difficult to continue a case and then
24 bring on parties. We have already heard witnesses. This case
25 has -- is in progress. So procedurally it becomes somewhat

1 difficult.

2 Secondly, we do have an ANC as a party in this
3 case, so I do not think that it would jeopardize the ANC.

4 VICE CHAIRPERSON RENSHAW: However, this ANC had
5 The Washington Home within its boundaries before redistricting.
6 That is the case. And we are adding, for instance, more people
7 today and testimony. And I think that if the ANC can read the
8 record and be brought up to date, bring itself up to date, the
9 matters at hand, then the ANC would be qualified to --

10 COMMISSIONER MAY: We don't actually have a request
11 for party status.

12 CHAIRPERSON GRIFFIS: Indeed. Let's get
13 clarification. Is 3C the ANC that the property is actually
14 located?

15 MR. KEYS: That -- it's not. It abuts the property
16 that's --

17 CHAIRPERSON GRIFFIS: So it abuts 3C.

18 SECRETARY PRUITT: However, Mr. Chair, we did
19 notice them also.

20 CHAIRPERSON GRIFFIS: Okay.

21 SECRETARY PRUITT: So they got the same notice as
22 everybody else.

23 CHAIRPERSON GRIFFIS: Indeed. That's a good point.

24 MR. ESPENSCHIED: Actually, it's a little more
25 complicated than that, Mr. Chairman, if I may --

1 CHAIRPERSON GRIFFIS: Oh. Can it get any more
2 complicated?

3 MR. ESPENSCHIED: The ANC boundaries have been
4 changed.

5 CHAIRPERSON GRIFFIS: Indeed.

6 MR. ESPENSCHIED: And before the change, ANC-3C
7 included The Home. After the change, The Home is outside our
8 ANC, but so close that our immediately contiguous -- we have
9 contiguous residents to The Home. I believe we did not receive
10 notice, but I think I was just --

11 CHAIRPERSON GRIFFIS: Staff just stated that you
12 did.

13 MR. ESPENSCHIED: I think I was just contradicted
14 on that.

15 CHAIRPERSON GRIFFIS: Yes.

16 MR. ESPENSCHIED: So --

17 CHAIRPERSON GRIFFIS: Well, here's for
18 clarification. With the redistricting that happened, did the
19 specific ANC member change?

20 MR. ESPENSCHIED: I'm sure it did. I don't see how
21 it could not have. The boundary of the ANC --

22 CHAIRPERSON GRIFFIS: I see.

23 MR. ESPENSCHIED: -- changed, was moved. So we had
24 a Commissioner whose district included The Home, but we now do
25 not have a Commissioner whose district includes The Home.

1 CHAIRPERSON GRIFFIS: But that Commissioner is
2 still -- the boundary didn't change so that that Commissioner
3 actually joined a new ANC. It actually maintains in 3C but lost
4 The Home, is that correct?

5 MR. ESPENSCHIED: There was sufficient
6 rearrangement that it would be difficult to discern that. We'd
7 have to look at the map to see --

8 CHAIRPERSON GRIFFIS: Yes, yes. Well, can anyone
9 figure out the redistricting? I know. That's why I say, it's
10 not mapped yet. So --

11 MR. ESPENSCHIED: Well, the issue we're here to
12 raise goes to The Home's -- I mean, it's not a factual issue. It
13 goes to The Home's failure to abide by the order that this Board
14 issued when it was in our district. And it is in continuing
15 violation of that order, and that's the issue which our ANC
16 wishes to address.

17 CHAIRPERSON GRIFFIS: Okay. Can you do that with
18 straight testimony? Or are you wanting to have cross examination
19 privileges and also avail yourself to the responsibilities of
20 party status?

21 MR. ESPENSCHIED: Although we'd prefer party
22 status, I don't think it's necessary for our purpose, because the
23 cross examination we would do would be likely to be redundant to
24 that which is going to be done by 3F and by the represented
25 citizens.

1 CHAIRPERSON GRIFFIS: And if it was redundant, we
2 wouldn't hear it. So --

3 MR. ESPENSCHIED: Okay.

4 CHAIRPERSON GRIFFIS: That being said, let me go to
5 the applicant for comment.

6 MR. KEYS: Mr. Chairman --

7 CHAIRPERSON GRIFFIS: Yes.

8 MR. KEYS: -- I would certainly resist any idea
9 that 3C should be a party in this case, and I would ask the Board
10 to remember that we have had parties parachuting out of the sky
11 in this case. No one in this case has presented themselves in a
12 timely manner. Here there is no -- the Board's rules indicate
13 that you can waive rules for good cause shown.

14 There is no demonstration of any cause for why they
15 couldn't be a part of this case in a timely manner. I think if
16 the ANC wants to participate in this case it can do so as a
17 person in opposition at the appropriate point in the proceeding.

18 CHAIRPERSON GRIFFIS: Okay. Thank you.

19 Mr. Graham, any opinion?

20 MR. GRAHAM: I don't have a view, but I think the
21 point they raise is very interesting of the lack of compliance.
22 It seems to me that this Board's view on that is all that
23 matters.

24 CHAIRPERSON GRIFFIS: Okay.

25 SECRETARY PRUITT: Excuse me, Mr. Chair. Just for

1 clarification on the record, I -- staff was mistaken. 3C was not
2 notified.

3 CHAIRPERSON GRIFFIS: Okay.

4 SECRETARY PRUITT: So they did not receive -- we
5 notified --

6 CHAIRPERSON GRIFFIS: Okay.

7 SECRETARY PRUITT: -- 3F, 3F-06, City Council --
8 and the City Council person.

9 CHAIRPERSON GRIFFIS: Okay. And does ANC-3F have
10 an opinion? And let me say while she's coming up that, clearly,
11 we've run into this before in terms of the redistricting and the
12 complication that that has, in fact, had on applications that
13 have changed wards or ANCs. Well, anyway, so it's a temporary
14 confusion, but hopefully we'll get it straightened out.

15 MS. PERRY: I think ANC-3F would like to see 3C a
16 party to this case, because The Home and the previous BZA
17 application that they're abiding on was written when The Home was
18 in 3C. And they have more knowledge of it than 3F does. I think
19 with the understanding --

20 CHAIRPERSON GRIFFIS: Okay.

21 MS. PERRY: -- that cross examination won't be
22 redundant or lengthy, I would like them to have -- we would like
23 them to have party status.

24 CHAIRPERSON GRIFFIS: Good. Two things. Can I
25 have -- did -- I'm not sure if you introduced yourself. Give

1 your name and address.

2 MR. ESPENSCHIED: I'm Peter Espenschied. Address
3 is 3414 Newark Street, 20016.

4 CHAIRPERSON GRIFFIS: Okay. Here is my --

5 MR. KEYS: Mr. Chair?

6 CHAIRPERSON GRIFFIS: Yes.

7 MR. KEYS: May I add -- just the record indicates
8 in the supplemental information filed by the applicant that we
9 have participated with ANC-3C --

10 CHAIRPERSON GRIFFIS: Indeed.

11 MR. KEYS: -- in this matter. And I would direct
12 the Commission's attention to item 16, which is the fourth page
13 of that supplemental, which indicates that the package -- the BZA
14 application package was distributed to ANC Commissioner John
15 Welsh, and this is at the meeting of November 15th of ANC-3F.

16 And, previously, as indicated in item 12, there had
17 been prior discussions with Commissioner John Welsh regarding the
18 expansion plans. So it's not a question of them not being aware
19 that this was happening.

20 MR. ESPENSCHIED: Mr. Chairman, I need to
21 respectfully disagree on the matter of awareness. I am not aware
22 of Mr. Welsh's contact. He is a Commissioner for 3C but not for
23 this district, not for the district that adjoins The Home. And
24 the Chairman of the Commission and the Commission's office were
25 not aware of this until very recently.

1 CHAIRPERSON GRIFFIS: Okay.

2 MR. ESPENSCHIED: In fact, the matter was brought
3 to our attention through the Cleveland Park Citizens Association,
4 which -- for which you may have a letter on record on the same
5 matter as 3C is raising -- namely, of process.

6 CHAIRPERSON GRIFFIS: Okay. Board members, I would
7 suggest that, one, that we -- I don't think it's unreasonable
8 that 3F would consult with 3C on issues, especially of cross
9 examination and presenting a case. And, two, that as 3C is here,
10 that we would have them give testimony as a person in this case.

11 And I think that would be appropriate, but I will let others
12 speak to that.

13 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I would
14 suggest that ANC-3C be allowed party status. First of all, the
15 SMD Commissioner did not receive any notice about this, and the
16 Commission should be at the table to bring perspective on the
17 past order.

18 Also, since ANC-3C and 3F will be conferring, there
19 will not be any duplication of testimony, cross examination, so I
20 don't think that we have to fear that. But I feel that this ANC
21 should be allowed to have party status, and the ANC will judge
22 how much they want to relate to this case from there.

23 MEMBER ZAIDAIN: Mr. Chair?

24 CHAIRPERSON GRIFFIS: Yes.

25 MEMBER ZAIDAIN: I have a question. This may be

1 semantical. But the resolution that was submitted, as far as I
2 read it, was not requesting party status, and I think you just
3 stated that you didn't need to have party status. Correct? You
4 said that you could operate under just direct testimony?

5 CHAIRPERSON GRIFFIS: Right. And, more
6 specifically and directly, are you prepared to make a case for
7 party status right now?

8 MR. ESPENSCHIED: I said we would prefer party
9 status, but it's not essential for our purposes.

10 MEMBER ZAIDAIN: I'm inclined to vote against the
11 motion for party status, but --

12 COMMISSIONER MAY: I think that, given that we will
13 have the opportunity to hear what ANC-3C has to say as an
14 individual, and I'm certain there will be no shortage of cross
15 examination on the issues, that I -- I do feel that there will be
16 sufficient representation of any information that ANC-3C would
17 have to bring to the table.

18 And I think, frankly, we -- there is something to
19 be said for the fact that this is a -- a -- not an insignificant
20 project, and that to get a request from -- for party status at
21 this point, I mean, we do have rules about this, and it wouldn't
22 have been too difficult to comply, to get party status for ANC-3C
23 if they had applied in advance.

24 VICE CHAIRPERSON RENSHAW: Yes. But they did not
25 receive official notice from this office that this case was going

1 to be forthcoming.

2 COMMISSIONER MAY: That's true, but there are
3 multiple means by which people are notified of projects and cases
4 before the BZA. And it's very hard to believe that there was no
5 one of responsibility in ANC-3C who was aware of this project
6 many months ago. So --

7 VICE CHAIRPERSON RENSHAW: Well, perhaps Mr.
8 Espenschied could clarify. And also, when you say that you
9 prefer party status, would you give us some information about
10 that, some background?

11 MR. ESPENSCHIED: Yes. Well, first of all, to make
12 the record about the situation more complete, I should make clear
13 that the single member district of ours, of 3C's, which adjoins
14 The Home, though it does not include it, is presently vacant.
15 And that may have complicated this matter in terms of people
16 knowing.

17 But I do want to say in response to Mr. May's
18 observation that, first of all, our plate is very full with
19 issues, and we genuinely were not aware until recently of this
20 matter. I'm a member of the Planning and Zoning Committee. It
21 has heard a number of cases over the past two months, and this
22 was not -- we were not aware of this.

23 SECRETARY PRUITT: Mr. Chair, I also would like to
24 state for the record our procedures don't require us to notice
25 the adjoining ANC. We try to do that as a courtesy. Sometimes

1 we miss, but it is not required by our procedures. Procedurally,
2 we only are required to notice the ANC in which the subject
3 property is located.

4 CHAIRPERSON GRIFFIS: Okay.

5 MR. ESPENSCHIED: We are not complaining about the
6 lack of notice.

7 CHAIRPERSON GRIFFIS: Right. No, and we appreciate
8 that, although we'll hear all complaints.

9 (Laughter.)

10 But if you want to keep them to yourself, that's
11 fine.

12 I think this is coming up because of the
13 redistricting, which is -- as I stated, it's kind of a temporary
14 adjustment. But to that, 3F -- the district is what it is, and
15 the property is now within it. And so although it may be new, it
16 certainly is part of its responsibility and part of its
17 jurisdiction.

18 I think it's absolutely appropriate, and it is by
19 our regulations, the ANC which the -- is granted party status.

20 MR. ESPENSCHIED: Mr. Chairman, you asked me to
21 address -- answer your question about why we would want party
22 status.

23 CHAIRPERSON GRIFFIS: Well, Ms. Renshaw did, and
24 what I'm -- and I'll hear you out briefly. But what I -- really,
25 what we're trying to decide here is whether we compel you to make

1 the case for party status at this time. But why don't you
2 briefly tell us why you believe you want it.

3 MR. ESPENSCHIED: It affects the order in which we
4 would be heard and the issue that we are going to discuss,
5 primary issue -- is one which actually we had thought, had the
6 opportunity existed, we would even raise as a preliminary matter.

7 And we think that it would be in the interest of procedural
8 efficiency for it to be heard up front rather than later as a --
9 in the hearing of proponents and opponents.

10 CHAIRPERSON GRIFFIS: So you want party status to
11 bring up a preliminary matter?

12 MR. ESPENSCHIED: A matter which should be heard as
13 early in the proceedings as possible. Obviously, it's too late
14 for a preliminary matter. But it is our belief that under the
15 conditions which I can describe, to the degree that you will hear
16 them, we think that the Board should not even be hearing this
17 case from this applicant at this time.

18 COMMISSIONER MAY: Mr. Chairman, this probably
19 relates to the issue that was raised by the Cleveland Park
20 Citizens Association -- I think was the one that -- about the
21 current conditions and why this -- The Home is currently in --
22 because they are overparking the existing parking lot. Is this
23 the issue that you're talking about?

24 MR. ESPENSCHIED: Yes, that's essentially the
25 issue. It's a question of the integrity of the zoning plan, the

1 Board's maintenance of it, and the consequences of hearing such
2 an --

3 CHAIRPERSON GRIFFIS: I think what you're dancing
4 around is you believe that you can bring a motion to dismiss that
5 would be upheld. Is that correct?

6 MR. ESPENSCHIED: Yes.

7 CHAIRPERSON GRIFFIS: And it would be based on the
8 fact that -- I mean, we're really -- we're going beyond here. We
9 need to establish whether you have party status or not. Can that
10 not be brought up through the ANC, that it has party status? You
11 know, you could have that motion written out, have them provide
12 the motion, they can call you as a witness to support the motion,
13 if I was to give a little bit of advice.

14 Is there any other reasons you'd -- outside of that
15 and giving -- well, that's attendant to your testimony also. Any
16 other reasons that you see the need for requesting party status?

17 MR. ESPENSCHIED: No, Mr. Chairman. That's it.

18 CHAIRPERSON GRIFFIS: Okay.

19 MS. PERRY: Mr. Griffis, I think I need to clarify
20 something. The Home has been in ANC-3F now for a number of
21 years. It was the previous redistricting, not the recent one,
22 that put The Home in our ANC.

23 COMMISSIONER MAY: It's still there?

24 MS. PERRY: It's still in our --

25 (Laughter.)

1 COMMISSIONER MAY: Okay. Just --

2 MS. PERRY: I just wanted to clarify, because of
3 the two redistrictings, The Home has been bounced around.

4 CHAIRPERSON GRIFFIS: Done. I would think that we
5 invite 3C to give testimony as a person in the case and to
6 advise, as it will, its adjoining Commission 3F. And I will ask
7 that be seconded as a motion.

8 COMMISSIONER MAY: Second.

9 CHAIRPERSON GRIFFIS: Thank you. Anyone else want
10 to speak to it?

11 MEMBER ETHERLY: Mr. Chair, I don't want to exhaust
12 -- I don't want to exhaust the issue. It's a close question.
13 It's a very close question. Initially, I was inclined to vote
14 against the request, and I still am. But I just wanted to note
15 for the record that it is a very close question, particularly
16 because there is some prior knowledge there that could perhaps be
17 useful.

18 But I think with close consultation with your
19 colleagues from 3F, we can still vet a lot of those issues in a
20 very full and complete manner.

21 CHAIRPERSON GRIFFIS: Not to mention at their own
22 time for testimony.

23 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I am in
24 favor of 3C being a party in the case, representing immediate
25 contiguous residents to The Home, and I believe that the fullest

1 representation of those contiguous residents to The Home would be
2 made by 3C's having party status.

3 CHAIRPERSON GRIFFIS: Okay. Others? All those in
4 favor of the motion, signify by saying aye.

5 (Chorus of ayes.)

6 And opposed?

7 VICE CHAIRPERSON RENSCHAW: Opposed.

8 CHAIRPERSON GRIFFIS: Thank you, Ms. Renschaw. We
9 can record the vote when staff is able.

10 MS. BAILEY: The vote is four-zero-one to oppose
11 ANC-3C to become a party. Mr. Griffis made the motion, Mr. May
12 seconded, Mr. Etherly and Mr. Zaidain is in support, Mrs. Renschaw
13 is opposed.

14 CHAIRPERSON GRIFFIS: Thank you.

15 VICE CHAIRPERSON RENSCHAW: So the vote would be
16 four-one-zero.

17 MS. BAILEY: Four-one-zero.

18 CHAIRPERSON GRIFFIS: Good. Mr. Graham, what ANC
19 are you in?

20 MR. GRAHAM: I believe it's about to change. I
21 believe it's going to change in the next few weeks. I've been --

22 CHAIRPERSON GRIFFIS: Don't start with the
23 shenanigans.

24 (Laughter.)

25 VICE CHAIRPERSON RENSCHAW: Is it C or F?

1 MR. GRAHAM: C.

2 CHAIRPERSON GRIFFIS: Okay. Okay. It doesn't
3 matter. I was just --

4 MR. GRAHAM: I know I'm moving from -- we've been
5 told we're moving from one to the other.

6 CHAIRPERSON GRIFFIS: Okay.

7 MR. GRAHAM: We're in 3C, I am informed
8 dispositively.

9 CHAIRPERSON GRIFFIS: Okay. Good.

10 MR. GRAHAM: Or at least most loudly.

11 CHAIRPERSON GRIFFIS: In which case I think we were
12 going to do something. And if I'm not mistaken, you were calling
13 your architect. Is that correct? Then, let us proceed with
14 that.

15 Mr. Graham, I would ask you if you could take a
16 seat, give the table to the applicant to present their case, and
17 we can move ahead.

18 MR. KEYS: Members of the Board, Laurie Dickeson is
19 the project architect. I will ask her to introduce herself and,
20 in the interest of time, to give the Board a quick overview of
21 the site, focus on the hospice addition as an initial matter, and
22 then move to the parking and the topographical issues that we'd
23 like to bring to their attention.

24 MS. DICKESON: My name is Laurie Dickeson. I'm
25 with Amos Bailey Arnold Architects in Baltimore.

1 CHAIRPERSON GRIFFIS: Yes. Actually, why don't you
2 bring your boards a little bit closer, and they might be able to
3 use that mike. Could we just stop the clock for a second?

4 Let me just beforehand -- Mr. Graham, you can't see
5 it, nor can the ANC. So what I'm going to do is ask you -- you
6 can angle them out a little bit further. I just thought we'd get
7 it close to the table, so that you could get the mike. Indeed.
8 And it is part of this -- the documentation is part of the
9 submission that I think everyone might have.

10 Mr. Graham, you have the site plans. Were you
11 delivered the submissions? You can bring it right over on that
12 side.

13 MEMBER ETHERLY: And I would suggest if the ANC
14 representative also wants to perhaps better position him or
15 herself.

16 CHAIRPERSON GRIFFIS: Okay. Great. Can you reach?
17 Fabulous.

18 MS. DICKESON: I apologize, north is down on this
19 board for this drawing. Upton Street runs along the north side
20 of the property, 37th Street on the east side.

21 The white shows the existing building. Most of
22 this area is a three-story building. This portion right here is
23 where the existing hospice unit is, and this area indicates the
24 one-story addition that's going on to that. This is directly
25 adjacent of the main circular entrance drive and the canopy

entranceway to the facility.

This is a floor plan, which is an enlargement of just this area here. This shows the entrance from the circular drive. This is the existing hospice unit. There are nine patient rooms. The expansion proposes an addition of four rooms, one story, as all of this is one story. This is the Upton Street or the north elevation looking from this direction. It's simply an extension of the existing building, same height, same materials, brick and precast concrete.

These are the other views. It's designed to be as much an extension and unobtrusive as possible. It extends an additional 12 feet from the building on the north side of the facility.

To introduce you to the site, I'd like to talk a little bit about the character of the adjoining streets. These are photographs of the streets and the neighboring properties around the home. The first one shows Upton Street looking west.

To the left is The Washington Home's property. To the right are the residential properties across the street.

This shows the large trees that are -- the mature trees that are on the north side of The Home's property, and the character of the trees and landscaping on the rest of the street.

You can also see on the right side there are very tall utility poles actually with power lines and streetlights all along the north side of the street.

1 This is a view looking from The Washington Homes
2 property north across to those neighbors there. And you can,
3 again, see the landscaping, the lights, and just the character of
4 Upton Street.

5 This is looking from the northeast back down
6 southwest towards The Home's property. This is the intersection
7 of 37th and Upton. To orient you, this is the northeast corner
8 of The Washington Home's property, and that's the cupola that
9 we'll be talking about a little later when we talk about the site
10 plan.

11 This is a view down Upton Street, again from --
12 from the east, kind of looking west. This is west going toward
13 Wisconsin. This is the -- you can begin to see the beginning of
14 the existing berm that we'll be talking about and the beginning
15 of one of the large trees.

16 This is looking kind of the other direction from
17 the other side of the street back toward The Home's property. To
18 the right here is the entrance to the circular drive to the
19 facility, and that shows the large sycamores and poplars on the
20 berm.

21 This is standing on The Home's property looking
22 directly east, sort of at the crest of the berm. And this is
23 going downhill toward Upton Street, and those are the large trees
24 that we'll be discussing.

25 I'm going to turn this over. I have to apologize.

1 The remaining site drawings show north at the top as is
2 appropriate. So I'd like to begin to show it that way as we
3 discuss the site.

4 Again, Upton Street, toward that direction is
5 Wisconsin. Directly adjacent to the west is the post office
6 property; 37th Street on this side. Residential properties on
7 the north side and on the east. To the south is the Sidwell
8 Friends School property. So there are no immediate neighbors on
9 the -- residential neighbors on the southern border of the
10 property.

11 The plan for the enlarged parking is shown --
12 what's shown in gray is the parking scheme that we're proposing.

13 The existing parking is shown with a heavy dashed line. What
14 happens, this existing circular drive remains unchanged.
15 Entrances to the site from Upton and a service entrance from 37th
16 Street remain unchanged.

17 The existing parking is 90 feet from Upton Street
18 at its furthest north point. We are proposing extending that
19 line and squaring off this existing kind of meandering lot. The
20 existing parking is 58 feet from 37th Street, and we're proposing
21 extending from about that same point, again, out to the corner.

22 This is the cupola that shows up in the photograph.

23 This is the location of the berm, the raised ground, and the
24 large trees, which tend to be on the north side of the berm as it
25 goes downhill toward Upton.

1 The plan for the parking and the extension of this
2 line means that we're actually behind the crest of the berm, and
3 this parking that we're adding in this area is below the top of
4 the berm and not visible from Upton Street.

5 CHAIRPERSON GRIFFIS: That line that you're on
6 right now, it looks as if it may be cutting into the berm.

7 MS. DICKESON: It does begin --

8 CHAIRPERSON GRIFFIS: Is there --

9 MS. DICKESON: It begins to cut into the berm as
10 you move east. Okay?

11 CHAIRPERSON GRIFFIS: So you're anticipating that
12 there would have to be some sort of small curb or retaining --

13 MS. DICKESON: We anticipate a small retaining wall
14 beginning probably in here, and which would gradually get taller
15 as we go toward this end. Although the berm also falls as you
16 move east, so that the grade of the parking begins to converge
17 with the existing grade. The site is fairly level in this area
18 right now.

19 CHAIRPERSON GRIFFIS: And another question while
20 you're going through the site plan. Do you have an existing site
21 plan? I understand that the dashed line is showing us the
22 existing parking configuration on the site.

23 MS. DICKESON: My civil engineer has one.

24 CHAIRPERSON GRIFFIS: Okay. Was that previously
25 submitted?

1 MS. DICKESON: I don't believe so.

2 CHAIRPERSON GRIFFIS: Okay. What size -- do you
3 have that with you? I'm not -- you do. You have eight sets?
4 You anticipated the question.

5 (Laughter.)

6 All right. We don't give extra credit, but that's
7 a great thing.

8 (Laughter.)

9 I think it would be appropriate if we could have
10 that now, because I think that's helpful for us in terms of
11 looking at the new site plan, if it's appropriate, Mr. Keys, to
12 submit that.

13 MEMBER ZAIDAIN: Mr. Chair?

14 CHAIRPERSON GRIFFIS: Yes.

15 MEMBER ZAIDAIN: While he's doing that, I have a
16 question. You were talking about the retaining wall and how it's
17 going to be increasing in height, which is obviously noting below
18 -- you know, how far below grade the lot is going to be. How
19 high will the retaining wall be at its highest point?

20 MS. DICKESON: I'm not sure of the precise number
21 as the final grading plan is not worked out. But I don't --

22 MEMBER ZAIDAIN: Okay.

23 MS. DICKESON: -- anticipate it would be higher
24 than two or three feet at the most.

25 MEMBER ZAIDAIN: Okay.

1 CHAIRPERSON GRIFFIS: And the estimating --
2 obviously, we're not looking at a topographic representation of
3 the site.

4 MS. DICKESON: Right.

5 CHAIRPERSON GRIFFIS: But the top of the berm as --
6 what would you estimate the top height of that? I mean, what
7 kind of elevation are we looking at? The photographs I think
8 represent it, but just to kind of get --

9 MS. DICKESON: Yes, I think if you're --

10 CHAIRPERSON GRIFFIS: -- a benchmark.

11 MS. DICKESON: -- if you're standing on Upton
12 Street, your line of sight -- the berm is either just below that,
13 depending on where you are along Upton, because there's some --

14 CHAIRPERSON GRIFFIS: Clearly.

15 MS. DICKESON: -- change in the slope as you move
16 along Upton Street. Okay. Yes, if you have the --

17 CHAIRPERSON GRIFFIS: Oh, we do have it.

18 MS. DICKESON: Yes. If you have the civil
19 engineer's existing conditioning plans, the existing topography
20 is shown on the site, and you can see, really, the crest of the
21 berm. Yes, it's above the 354 line, probably at the highest
22 point of the berm.

23 And if I were standing directly north of that on
24 the Upton Street sidewalk, I might be -- gosh, it looks like I'm
25 even 10 feet below the highest point of the berm if I'm reading

1 this right.

2 CHAIRPERSON GRIFFIS: It does look that -- to be
3 from the -- as it -- towards the center as it goes to the curb.
4 We're at --

5 MS. DICKESON: Yes.

6 CHAIRPERSON GRIFFIS: -- 344.

7 MS. DICKESON: 44.

8 CHAIRPERSON GRIFFIS: I see. Okay. So that puts
9 it into some -- some general parameters of what we're looking at.

10 Other questions? Okay.

11 MS. DICKESON: I would say also that the additional
12 paved area that we're showing on this site represents a 7.4
13 percent increase in the total impervious coverage. Now that's
14 counting the area occupied by the building and the drives in the
15 parking. Just to kind of give you a sense of the scope of that.

16 MEMBER ZAIDAIN: So with the structure and with the
17 parking lot, you're increasing it by 7.4 percent? Did I
18 understand that right?

19 MS. DICKESON: I'm increasing the impervious area
20 by an additional 7.4 percent.

21 MEMBER ZAIDAIN: Okay.

22 MS. DICKESON: But I'd like to give you the
23 numbers. The existing parking lot shown here was marked with 75
24 spaces. The new parking lot adds 98 spaces. So for that amount
25 of increase of paving area, we're able to accommodate a lot more

1 cars. And that's because the existing parking, although it's
2 attractive in the islands and the landscaping, it's inefficient
3 in terms of the amount of paving that's been put down for the
4 number of cars that it can accommodate.

5 CHAIRPERSON GRIFFIS: Did you say you have less
6 than eight percent increase in impervious surface?

7 MS. DICKESON: Yes. So the new parking, by
8 squaring it off -- and we don't extend any closer to Upton and
9 37th than the previous closest points were, but we're able to
10 accommodate a lot more cars just because it's more efficient.

11 MR. KEYS: Ms. Dickeson, before you leave the issue
12 of the parking, could you briefly address in the proposed area?
13 The green space requirement that is associated with parking lots
14 and whether this site plan, as you propose it, meets those
15 requirements.

16 CHAIRPERSON GRIFFIS: The five percent requirement?

17 MS. DICKESON: Yes.

18 CHAIRPERSON GRIFFIS: Sorry to present. We have
19 that. Go ahead.

20 MS. DICKESON: The zoning regulations require five
21 percent of the interior of the parking lot to be devoted to
22 landscaping. The existing and proposed -- the complete parking,
23 as a result of this scheme, has a total of seven percent of the
24 interior devoted to green space. That's these islands that are
25 shown in here. So that's -- that represents seven percent of the

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1 parking and drives within the site.

2 CHAIRPERSON GRIFFIS: Actually, that's important.

3 Do you want to just point them out as the Board looks?

4 MS. DICKESON: This.

5 CHAIRPERSON GRIFFIS: Indeed.

6 MS. DICKESON: And it's the natural extension of
7 the perimeter. So I'm counting this, this, these islands, the
8 corner that's been carved away, and these islands.

9 CHAIRPERSON GRIFFIS: Okay. And part of the loss
10 of let's call it the green space in the current parking
11 configuration is that center island. Is that correct?

12 MS. DICKESON: Right. Right now, we're showing
13 islands here and here. But this center island is not represented
14 in the proposed parking.

15 VICE CHAIRPERSON RENSHAW: What percentage of green
16 space do you have now?

17 MS. DICKESON: Within the parking?

18 VICE CHAIRPERSON RENSHAW: Yes.

19 MS. DICKESON: Seven percent.

20 VICE CHAIRPERSON RENSHAW: Existing.

21 MS. DICKESON: Seven percent -- oh, I'm sorry, in
22 the existing plan.

23 VICE CHAIRPERSON RENSHAW: Yes.

24 MS. DICKESON: I don't know. I haven't calculated
25 that.

1 VICE CHAIRPERSON RENSHAW: Could you calculate that
2 and let us know? And also, how much land mass -- by squaring off
3 the parking, how much land are you turning from green space to
4 paved surface?

5 MS. DICKESON: There was a chart I think with that
6 data submitted in the application, which quantifies the square
7 footage of the existing parking and the additional -- the
8 existing area of parking was 46,000 square feet, and there's an
9 additional 18,000 proposed. That's just the parking surface, not
10 the total coverage of the lot.

11 VICE CHAIRPERSON RENSHAW: And you're reading from
12 a chart in the --

13 MR. KEYS: Ms. Renshaw, that's on page 12 of the
14 applicant's submission.

15 VICE CHAIRPERSON RENSHAW: Thank you. It's good to
16 have the reference.

17 MEMBER ETHERLY: Just for my colleagues, that would
18 be Exhibit Number 4 in the file.

19 MS. DICKESON: As part of the parking lot
20 renovation or redoing, we will be redoing the lighting in the
21 parking. The existing parking lighting -- there's a photo here
22 that you can barely see one of the poles. The existing parking
23 is illuminated by two types of fixtures. There is a 12-foot pole
24 that's a shoebox type fixture. There's a -- which means -- you
25 can almost see -- it's like a box shape on top. And what that

1 does is prevent light from escaping above the level of the
2 fixture. It aims all of the lighting down.

3 As opposed to the kinds of lights that are
4 typically the streetlights in the neighborhood, which have no
5 cutoff and send light basically out in every direction. So the
6 existing lot is illuminated by -- I think I located where the
7 poles are. I think there's 10 or 11 poles in the existing lot,
8 and they don't -- they are not placed near property boundaries.

9 There are some at the perimeter of the existing
10 lot, but they are not on the side that's nearest 37th Street.
11 They tend to be in the islands and more on this side.

12 The other type of fixture which serves to fill in
13 areas where the poles aren't adequately illuminating, there is
14 about a three-foot tall bollard-type fixture, which throws light
15 -- keeps light low on the ground, and it also has a cutoff so
16 that light -- you can't see a light source above the top of the
17 bollard. It cuts it off.

18 And those are used to fill in areas around the
19 poles and also illuminate the pedestrian circulation from the
20 parking to the building. What we're proposing is an extension of
21 that concept, which is the 12-foot pole, again, with a cutoff
22 type fixture, which will restrict the light from being seen above
23 the level of the fixture.

24 And then -- which is demonstrated a little bit in
25 this diagram of keeping the light down low, and then in-filling

1 again at the pedestrian areas and at areas of the parking that
2 are near the perimeter of the site, with the low bollard-type
3 fixture, which also has the cutoff and prevents light from -- a
4 light source from being seen above that level.

5 The existing lot lighting is -- probably the
6 average illumination level is a little low for what would be
7 recommended for a quiet residential area, but it's close. It's
8 mainly kind of uneven. And with the use of the bollards, we hope
9 to be able to kind of even it out. But, again, the lighting will
10 be unobtrusive from outside of the site, given that the poles are
11 located some distance from the perimeter and the light is all
12 shining down.

13 VICE CHAIRPERSON RENSHAW: What kind of lights are
14 you using?

15 MS. DICKESON: The existing fixtures, if you mean
16 the lamp type, is a high pressure sodium, which is compatible
17 with what's in the neighborhood, as the surrounding residences
18 typically have incandescent lights which are a warmer yellow
19 color. That was the lighting that was used when the lot was
20 originally done, and we would use the same type of lamping in the
21 new fixtures.

22 CHAIRPERSON GRIFFIS: Any concern on that, Ms.
23 Renshaw? Are you clear on the different lamping types?

24 VICE CHAIRPERSON RENSHAW: Yes. It was just to
25 find out whether or not you are using any halogen lights.

1 MS. DICKESON: We haven't proposed it. There are
2 none in the surrounding area. The tall streetlights, which are
3 probably 25, 30 feet tall -- I'm not exactly sure of their
4 height, but they are very tall -- are kind of a cobra-head type
5 fixture, and they are also high pressure sodium. So that's
6 consistent with the lighting both on -- the appearance of the
7 lighting on the residences and the streetlights that are
8 throughout the neighborhood.

9 VICE CHAIRPERSON RENSHAW: So it will not be that
10 stark white or --

11 MS. DICKESON: Right.

12 VICE CHAIRPERSON RENSHAW: -- white-blue light.

13 MS. DICKESON: Right. It's a warm yellowish tone.

14 VICE CHAIRPERSON RENSHAW: Okay.

15 CHAIRPERSON GRIFFIS: I'm a big fan of the cold
16 white lights actually.

17 (Laughter.)

18 VICE CHAIRPERSON RENSHAW: I'll talk to you
19 afterwards.

20 CHAIRPERSON GRIFFIS: Okay. All right. Other
21 questions? That is actually a great lighting debate, but we
22 won't have it here.

23 Okay. Anything else on that? Board, are you all
24 clear? Actually, there's some I think very illustrative diagrams
25 for how the lighting -- what has just been described, how the

1 lighting is thrown onto the site, the bollard lighting is there,
2 and also the larger fixtures. So I think it's -- and it's -- can
3 everyone see the diagram on the far left? Because that shows all
4 three conditions. Actually, the street lighting, if I'm reading
5 that correctly --

6 MS. DICKESON: Right.

7 CHAIRPERSON GRIFFIS: -- the street lighting -- the
8 fixture -- the 12-foot fixture and then the bollard fixture.

9 Okay. And now do we have -- we don't have that in
10 the file as of yet, correct?

11 MR. KEYS: Mr. Chair, I believe that was --

12 CHAIRPERSON GRIFFIS: Oh, okay. You can correct
13 me. We do?

14 MR. KEYS: I believe that was left the last time we
15 were here. It may not have been. We can certainly make this
16 available. It's simply a reduction of the chart.

17 CHAIRPERSON GRIFFIS: Yes, indeed. Well, we just
18 need to verify the fact that we do have it. Have you seen it?
19 Okay. I'll check the main file, and we'll -- we'll let you know
20 if that's the case.

21 Okay. Other questions? Anything further? Good.
22 I would --

23 VICE CHAIRPERSON RENSHAW: Just to clarify, Ms.
24 Dickeson, you're not moving the cupola at all.

25 MS. DICKESON: No, the cupola remains where it is.

1 VICE CHAIRPERSON RENSHAW: All right. And the
2 distance from the cupola to the parking area now versus what it
3 would be after the cutback. Can you tell me those --

4 MS. DICKESON: I cannot tell you exactly. I would
5 -- I guess eyeballing the scale of the drawing, it may be 60 feet
6 from the parking now. The closest point when we're done it may
7 be 20 feet, very approximately.

8 COMMISSIONER MAY: Mr. Chairman, can I ask a
9 question? I'm sorry. I missed where you were. Am I
10 interrupting you? Okay.

11 MS. DICKESON: No.

12 COMMISSIONER MAY: Just so I understand, having
13 seen this new plan here, the entire slope is -- or the entire
14 site is sloping toward a high point in the lower left-hand
15 corner, which is southwest now. Is that right? Or south --

16 MS. DICKESON: Yes, this is southwest. The site
17 overall slopes and the streets slope to this corner.

18 COMMISSIONER MAY: All right. And even through the
19 parking lot, so the parking lot, you know, where the front door
20 of the building is higher than the berm?

21 MS. DICKESON: I believe that's correct. I think
22 that the -- I think that the first floor building elevation is --
23 no, it is 361.

24 COMMISSIONER MAY: Yes.

25 MS. DICKESON: So it is taller than the berm.

1 COMMISSIONER MAY: And yet the way the site works
2 -- I mean, not -- it's one of those things you can't really
3 appreciate without actually seeing it. But if you stand on the
4 streets, on the north and on the east side, and look at the
5 building, really all you can see is the berm right now, right?

6 MS. DICKESON: That's true from Upton Street. This
7 area is actually fairly level here, and there is a view of the
8 parking existing as you're coming along 37th Street.

9 COMMISSIONER MAY: Now, with the new parking lot,
10 you're planning on maintaining approximately the same grades. So
11 you're not going to be cutting the -- doing any cutting of that
12 slope?

13 MS. DICKESON: The existing parking surface
14 generally slopes from -- this whole surface slopes down as you go
15 northeast. We're going to continue that slope. So this will be
16 -- there will be some cutting on the back side of the berm as we
17 come to the north edge, not in this area.

18 COMMISSIONER MAY: I see. So you're trying to
19 nestle it into the back side of the --

20 MS. DICKESON: Yes.

21 COMMISSIONER MAY: -- of the berm there.

22 MS. DICKESON: It's into the back side of the berm
23 here, and it's to -- so it's not visible from Upton Street.

24 VICE CHAIRPERSON RENSHAW: Could you -- Mr. May,
25 are you -- could I ask at this point for just some clarification

1 of the screening, since the land, as you have brought out in the
2 testimony, is sloping down toward the corner?

3 MS. DICKESON: In the record within the BZA
4 application for this, in Section 7, there are some cross-sections
5 cut through the site which help to clarify the relationship of
6 the topography on the sidewalk with the berm and the parking. I
7 think the first drawing in Section 7 -- there are three section
8 elevations on it.

9 The top one is a view from Upton of the entire
10 site. The bottom one is a cut through the berm looking west, and
11 it indicates the viewpoint of a person at the sidewalk on Upton
12 Street and their relationship to the berm and to the parking.
13 And it shows the existing parking cut into the back of the berm.

14 MEMBER ETHERLY: Pardon me for interrupting, Ms.
15 Dickeson. Just to clarify, that's the elevation that is labeled
16 Washington Home and Hospice of Washington, and it has a north
17 elevation at top, east/west section in the middle, and then the
18 north/south section at the bottom?

19 MS. DICKESON: That's correct.

20 MEMBER ETHERLY: Okay. A copy of that elevation is
21 included in the Office of Planning submission dated March 26th.
22 So if you're looking for it, we can find that in the Office of
23 Planning report.

24 Thank you, Ms. Dickeson.

25 COMMISSIONER MAY: I'd like to ask one other

1 question about the -- this is about the five percent rule or the
2 five percent landscape area within the -- or green area within
3 the parking lot. Not having dealt with this in practice, are
4 there guidelines on how you'd interpret that?

5 Because it seems to me some of the -- your -- what
6 you have included one might argue is not really -- well, I mean,
7 you can argue that you are pushing the definition a bit. So, but
8 I don't know what guidelines we have been provided, so can you
9 explain?

10 MS. DICKESON: That's actually -- as an architect,
11 I don't go too far with the site design. I consult with civil
12 engineers and landscape architects. That's actually the guidance
13 that we have received from our civil engineers --

14 COMMISSIONER MAY: Okay. So we'll follow up with
15 them.

16 MS. DICKESON: -- for the interpretation of that.

17 COMMISSIONER MAY: Yes. Okay. Because there are
18 questions about, you know, when you cut out the corner, is that
19 appropriate, when you have that, you know, narrow strip? I mean,
20 is there some critical mass that makes it qualify, or does it --
21 you know, does a one-foot wide strip qualify, or two-foot wide,
22 etcetera?

23 And then, you know, the idea that it's -- that
24 probably half of your seven percent is clustered around six
25 spaces there at the center drive. While, you know, on the

1 numbers it seems that the parking lot exceeds that rule, in
2 practice it's -- I'm not sure that you can really say that this
3 -- that we are exceeding it.

4 Now, the rest of it, in terms of the berm and
5 everything else, I mean, you ought to get some credit for that,
6 but --

7 CHAIRPERSON GRIFFIS: Yes. But it seems like if
8 you looked at past procedures for the five percent when, in fact,
9 we looked at it, you would take the area off the surface parking
10 to the sidewalk line.

11 COMMISSIONER MAY: Well, in that case --

12 CHAIRPERSON GRIFFIS: And that would be the buffer
13 created by the landscaping, because where else are you going to
14 find it?

15 COMMISSIONER MAY: Yes.

16 CHAIRPERSON GRIFFIS: Where, in fact, I think this
17 is a conservative undertaking to calculate anything that's
18 actually within the parameter of the parking lot. It would be
19 interesting -- I think it does bring up an interesting question
20 as to how that is actually defined.

21 COMMISSIONER MAY: Sure. Well, that's what --
22 we'll get to that later.

23 CHAIRPERSON GRIFFIS: Who is going to define it?

24 COMMISSIONER MAY: The landscape architect and
25 civil engineer.

1 CHAIRPERSON GRIFFIS: Good. Okay. And I think we
2 can also ask the OP whether they had an opportunity to look at
3 that. And then, if we need to further, we can get some
4 information on it.

5 Okay. Have we made it tough enough? We got
6 through everything on that? Any other questions? Okay.

7 Yes, sir?

8 MR. KOGAN: My name is Phil Kogan of ANC-3F, if I
9 may address the Chair. It was a problem I think with the clock,
10 which had run down to 33 minutes, and suddenly it went back up to
11 45, and I think the initial ruling here was that the applicant
12 would be given 45 minutes to present the case.

13 CHAIRPERSON GRIFFIS: Indeed. I was very well
14 aware of that and have been making some notes on time as best I
15 can. So I think we'll get it clear by the time it's over.

16 MEMBER ETHERLY: Thank you for raising that, Mr.
17 Kogan. We did check into that. For some reason, it jumped back
18 up, but essentially it's a five-minute difference. So there
19 should be five minutes less on the clock. So perhaps if Mr. Keys
20 can just be aware of that. Subtract five minutes.

21 MR. KOGAN: My calculation was more like 12
22 minutes. I think it was at 33 minutes.

23 CHAIRPERSON GRIFFIS: Well, the difficulty is that
24 the clock ran when the Board asked questions and also during some
25 answers. Well, let me just set out that --

1 MR. KOGAN: Actually, it's at 33 now, so that would
2 be --

3 CHAIRPERSON GRIFFIS: All right. Let's do it --
4 this is not, obviously, a scientific measuring device of time.
5 And also, let me also state that this Board has been somewhat
6 lenient because we do interrupt proceedings and testimony, so
7 that exact preciseness of our stop watch is not correct.

8 So if we do end up running a little bit more time
9 on the applicant's case, obviously, the parties have that
10 additional time that's matched. So with that, our, of course,
11 endeavor always is to get to the bottom of the facts of the case.

12
13 And so with that said, let us move -- and I think
14 we ought to have the architect and the engineer up, Mr. Keys.
15 And why don't we continue with Board questions, if there are any,
16 and then I would move to cross examination.

17 MR. KEYS: I'd like to ask Mr. Long of Delana
18 Hampton, who is the civil engineer of this project, to pick up
19 where Laurie Dickeson left off.

20 CHAIRPERSON GRIFFIS: Okay. You want to finish --

21 MR. KEYS: Oh. You want the architect as well?

22 CHAIRPERSON GRIFFIS: -- you want to finish with
23 Mr. Long, and then do cross examination of all the witnesses?

24 MR. KEYS: It doesn't matter, Mr. Chair. I mean,
25 at this stage, I've got my eye on the clock. Whichever you would

1 recommend.

2 CHAIRPERSON GRIFFIS: And we have a differing of
3 opinions even on the Board, which makes it exciting. Mr. Graham,
4 your opinion.

5 MR. GRAHAM: I would just note, I'm sure you're
6 dealing with much more experienced advocates in this arena than
7 me, but it's really hard to cross examine when you have --

8 CHAIRPERSON GRIFFIS: Yes.

9 MR. GRAHAM: -- I guess five or six witnesses that
10 are going to go, and then have me do a single cross. It makes it
11 very difficult.

12 CHAIRPERSON GRIFFIS: Yes.

13 COMMISSIONER MAY: Let me just say that we do it in
14 the Zoning Commission all the time, and we've gotten used to it.
15 But here it's a different format, and so we -- I think adjusting
16 is appropriate.

17 I think there was some confusion that when you
18 suggested the architect and the engineer, I think you were
19 talking about the traffic engineer --

20 CHAIRPERSON GRIFFIS: Indeed. Mr. Andres would
21 come up.

22 COMMISSIONER MAY: -- coming up for cross
23 examination.

24 CHAIRPERSON GRIFFIS: And that -- I'm sorry, Mr.
25 Keys. I --

1 COMMISSIONER MAY: So, which was the original plan.

2 CHAIRPERSON GRIFFIS: I was not clear on that fact.

3 And I think for this -- for this point, I think it would be
4 helpful that we do cross after each.

5 Also, with the anticipation that we may not finish
6 today, we may be able to have witnesses not come back as we would
7 have finished all of their cross examination. I don't predict
8 that, but it may -- may be a better proceeding.

9 MR. KEYS: And who would be the next to follow?
10 Would the cross of Ms. Dickeson --

11 CHAIRPERSON GRIFFIS: Yes. I want -- actually, I'm
12 going to have Ms. Dickeson at the table right now. We're going
13 to do cross of both witnesses, Mr. Graham, at this time.

14 COMMISSIONER MAY: We can actually fit four chairs
15 there.

16 CHAIRPERSON GRIFFIS: Yes. Actually, I didn't mean
17 you to move. I was just going to have her come up. There it is.
18 We'll set the established -- the party crossing can sit wherever
19 that one falls. Right there.

20 (Laughter.)

21 MR. GRAHAM: Just to give myself more space, why
22 don't I ask Ms. Dickeson to stand back up by the map, and that
23 way we'll all be happy, and it'll actually be appropriate.

24 Ms. Dickeson, you refer to the lot as I think
25 meandering and inefficient. It is pretty, isn't it?

1 MS. DICKESON: It's attractive, yes.

2 MR. GRAHAM: Okay. And you understand that the
3 neighborhood wants to keep it as attractive as possible, right?

4 MS. DICKESON: Yes.

5 MR. GRAHAM: Can you tell me, how far into the berm
6 does the new lot line on the Upton Street side cut into that?
7 How much further does it get to those tree trunks?

8 MS. DICKESON: I guess it depends on where you're
9 measuring from as the existing perimeter does a lot of in and
10 out.

11 MR. GRAHAM: Okay. Do you see -- actually, answer
12 it the other way around. How far is it from the trunk of the
13 trees as opposed to from where it is currently?

14 MS. DICKESON: In this area, it's about the same,
15 obviously, as we're almost converging with the existing parking
16 here. As we extend across here, I'm not sure if we're about 30
17 feet. I don't have a scale.

18 MR. GRAHAM: Okay. And I gather that someone else
19 is going to testify about trees, is that correct?

20 MS. DICKESON: Yes. The landscape architect will.

21 MR. GRAHAM: Okay. Do you know how many trees are
22 going to be knocked down by doing this?

23 MS. DICKESON: The landscape architect has a count
24 of the whole --

25 COMMISSIONER MAY: There was no testimony on that.

1 CHAIRPERSON GRIFFIS: Yes. We'll keep it to the
2 testimony that was given today.

3 MR. GRAHAM: Okay. Let me ask you, on diagram --
4 that number 7 diagram, the site line diagram that the Board has
5 been asking you questions about, let me ask you, if you aren't
6 standing on the street, but if you live on one of the houses on
7 Upton or Tilden Street, what is the elevation of those houses?
8 And where are particularly their living rooms, their bedrooms,
9 etcetera?

10 MS. DICKESON: I don't have the topography for the
11 houses on the other side of 37th. But given what I know about
12 the street, and what's out here, the land continues to slope as
13 you move east, as you actually move toward Rock Creek Park. I
14 can't speak for the floor elevations of the houses that are --
15 whose sides actually face 37th Street.

16 MR. GRAHAM: Okay. And as Member May pointed out,
17 the slope of the lot all slopes toward the corner of the --

18 CHAIRPERSON GRIFFIS: Actually, you can clarify
19 that in your case presentation.

20 MR. GRAHAM: Don't worry. The slope of the lot
21 goes toward the corner of Tilden and 37th, correct?

22 MS. DICKESON: It actually -- I'd have to look at
23 the topography. I'm not sure if this is the low point or this is
24 the low point.

25 MR. GRAHAM: You're not sure?

1 MS. DICKESON: I think that there -- I'm not sure
2 what 37th Street does. It's -- the slope is --

3 MR. GRAHAM: Okay.

4 MS. DICKESON: -- is not as significant as Upton
5 Street.

6 MR. GRAHAM: So you didn't do any site line
7 drawings of what it would look like from within a house or on
8 the lot of any of the neighbors, did you?

9 MS. DICKESON: The center section on the drawing
10 that's in the application is a section through the sidewalk at
11 37th Street.

12 MR. GRAHAM: That's on the side of the home, not on
13 the other side of the street where the sidewalk is, or --

14 MS. DICKESON: That's correct.

15 MR. GRAHAM: -- in any of the houses, correct?

16 MS. DICKESON: That's correct.

17 MR. GRAHAM: That's all I have for this witness.
18 If Mr. Andres could come up, if I could talk to him.

19 CHAIRPERSON GRIFFIS: Right by your side.

20 MR. ANDRES: As a matter of introduction, my name
21 is Erwin Andres, and I'm employed by Gorove/Slade Associates. I
22 reside at 4423 MacArthur Boulevard.

23 MR. GRAHAM: Excuse me. I'm sorry. The ANC wants
24 to ask some questions of Ms. Dickeson.

25 CHAIRPERSON GRIFFIS: Then, let me just state when

1 we go further, we will do each witness at the time. And,
2 actually, the order for the cross examination will be the ANC
3 first, and then we'll go to Mr. Graham.

4 MR. KOGAN: Thank you, Mr. Chairman. I'm Phil
5 Kogan of ANC-3F. I just had one question for the witness. I
6 want her to clarify a factual statement in the testimony in
7 response to a question from the Chair.

8 The 7.4 percent factor that was used, I believe
9 according to the submission 7.4 percent is the increment of the
10 total site that would be taken for additional parking.

11 CHAIRPERSON GRIFFIS: Are you asking her?

12 MR. KOGAN: I'm asking Ms. Dickeson. Is that
13 correct?

14 MS. DICKESON: Yes. Actually, the 7.4 percent
15 represents the additional parking coverage as a percentage of the
16 entire site.

17 MR. KOGAN: And that amount, according to the
18 submission, would be 18,400 square feet?

19 MS. DICKESON: Right. The 18,000 is the additional
20 square footage of parking.

21 MR. KOGAN: Right. And when added to the existing
22 46,000, that would provide a total of 64,500 square feet of paved
23 parking.

24 MS. DICKESON: That's correct.

25 MR. KOGAN: Thank you.

1 MEMBER ZAIDAIN: Just a point of clarification. So
2 the 7.4 percent increase does not include the structure. That's
3 just the parking lot.

4 MS. DICKESON: Right. There is an additional 7.4
5 percent of the entire site which becomes parking. I have the
6 number on the additional building coverage, if you're interested.

7 MEMBER ZAIDAIN: Okay. I just thought earlier that
8 you had said that the 7.4 percent increase in impervious surface
9 included the parking lot and the structure.

10 MS. DICKESON: I may have misspoke. It's the 7.4.
11 There's actually a .8 percent -- less than one percent of the
12 entire site is taken by the building addition.

13 MEMBER ZAIDAIN: By the building. Okay.

14 MS. DICKESON: Right.

15 MEMBER ZAIDAIN: So --

16 MS. DICKESON: Yes, it ends up being a little over
17 eight.

18 MEMBER ZAIDAIN: So, but using those numbers, 7.4
19 would be the parking lot. And then, if you threw the structure
20 in there, probably it would be over eight.

21 MS. DICKESON: 8.2.

22 MEMBER ZAIDAIN: 8.2. Okay.

23 CHAIRPERSON GRIFFIS: I thought we had -- oh, go
24 ahead. Why don't you introduce yourself, and then we'll --

25 MS. WISS: Cathy Wiss, ANC-3F-06.

1 CHAIRPERSON GRIFFIS: Okay.

2 MS. WISS: I just had one question.

3 CHAIRPERSON GRIFFIS: Right. And, in fact, if we
4 can -- and it is our normal procedure, and we always hold to it,
5 if there is a party in question that happens to have numerous
6 members, we have one -- one spokesperson --

7 MS. WISS: Correct.

8 CHAIRPERSON GRIFFIS: -- for it, especially within
9 a witness. If you want to just give your question to Mr. Kogan,
10 he can ask it for you.

11 MS. WISS: Okay. Thank you. I just want to --

12 CHAIRPERSON GRIFFIS: And, actually, let me be very
13 clear again.

14 MS. WISS: Okay.

15 CHAIRPERSON GRIFFIS: If you would like to give
16 your question to Mr. Kogan --

17 MS. WISS: Okay.

18 CHAIRPERSON GRIFFIS: -- he can ask it for you.

19 MS. WISS: Okay.

20 MR. KOGAN: Thank you, Mr. Chairman.

21 The question is, if the distance between the
22 existing tree and the paved area is 30 feet, the question is,
23 will the construction area be any closer than the 30 feet?

24 MS. DICKESON: The 30 feet is approximate, as I
25 said. And if you're referring to the closest large tree, that

1 should be scaled. I think it's at least 30, but I'm not sure of
2 the exact number. There would be a minimal increase or I guess
3 decrease of the distance because of the construction activity.

4 But as part of the construction activity, as is
5 customary when you're working around trees -- and our landscape
6 architect can speak further to this -- there will be protection
7 measures in place to assure that the trees are protected.

8 MR. KOGAN: Okay. Could you describe those
9 protection measures that would be followed?

10 CHAIRPERSON GRIFFIS: I think I just heard her
11 state that the landscape architect would be dealing with that.
12 If I'm not mistaken, did you have -- do you have any involvement
13 in construction -- protection of the trees?

14 MS. DICKESON: No, that's not really my field.

15 CHAIRPERSON GRIFFIS: Okay. Excellent question,
16 then, obviously for the next witness.

17 Okay. Mr. Graham?

18 MR. GRAHAM: The ANC has asked me to go first, if
19 that's okay with you, with Mr. Andres.

20 CHAIRPERSON GRIFFIS: Let me run it by the Board
21 and see if they are comfortable with that. Okay.

22 MR. GRAHAM: Mr. Andres, you did a study of this
23 facility in 1985 as well as more recently, correct?

24 MR. ANDRES: Our firm did, not me personally.

25 MR. GRAHAM: Okay. And was your firm consulted in

1 1997 when The Home came to this board and asked for a special
2 exception for another 12 beds?

3 MR. ANDRES: No. Our firm was not involved with
4 the '97 application.

5 MR. GRAHAM: You obtained the data in the current
6 report that you presented to the Board in May of 2001, correct?

7 MR. ANDRES: Yes, that's correct.

8 MR. GRAHAM: And you made the supplemental
9 submission to this Board -- your report was written on January
10 15, 2002, about nine months later, correct?

11 MR. ANDRES: Well, our report was finalized on the
12 15th of 2002.

13 MR. GRAHAM: And did you confer with The Home in
14 between the time you did your survey and the time that you wrote
15 your report about how many parking spaces they would want?

16 MR. ANDRES: As part of our scope of services, what
17 we had done is -- it's an iterative process as part of the site
18 plan design, where we would confer with The Home on basically
19 pieces of information that we would need to develop our peak
20 parking demand analysis. And also, we also sat in with community
21 meetings as well before we issued a final report.

22 MR. GRAHAM: Okay. Now, I notice that your report
23 is said to be a parking analysis, not a traffic analysis, is that
24 correct?

25 MR. ANDRES: Yes, that's what the title of the

1 report is.

2 MR. GRAHAM: And, in fact, you didn't do any
3 traffic report as to the impact on the neighborhood of having
4 additional parking spots, did you?

5 MR. ANDRES: The basis of our parking analysis is
6 that the existing condition would only generate additional
7 traffic associated with the four beds that the application
8 identifies, from 201 beds to 205 beds. So, in terms of
9 additional traffic impact, it would be additional traffic impact
10 associated with those four beds.

11 MR. GRAHAM: So you didn't take into account the
12 additional traffic impact that occurs when people find that
13 parking is easier than it is -- than it has previously been, did
14 you?

15 MR. ANDRES: The existing condition of the parking
16 facility is such that you have an average of 136 spaces parked on
17 75 spaces, which means that there are approximately 61 vehicles
18 that are "illegally parked" within the site. That means parking
19 in the drive aisles, parking in the fire lanes, parking in
20 loading zones. In some instances, actually in several instances,
21 you have people blocking in people who are parked.

22 The analysis associated with the parking is such
23 that if we -- if the home is able to accommodate the peak parking
24 demand, what would happen is the people who are currently coming
25 to the home, who are currently parking in these spaces, parking

1 in these illegal spaces, would be easier -- easily accommodated
2 on the site.

3 What this does is it -- it does a few things. The
4 first is that --

5 MR. GRAHAM: If the witness could just be directed
6 to answer the question. It was a very simple question.

7 MR. ANDRES: Well, this is part of my answer to the
8 question.

9 CHAIRPERSON GRIFFIS: Okay.

10 MR. GRAHAM: I'll leave it up to the Board.

11 MR. ANDRES: The traffic associated with these
12 vehicles are still going to be there. Because you're providing
13 parking for these spaces for these people who are illegally
14 parked, these people are still coming to the site.

15 What this does is actually it reduces circulation
16 traffic currently that -- what currently happens is when I'm an
17 employee or a visitor coming to The Home, I -- the first -- my
18 first instinct is to pull into The Home lot. If there is no
19 parking there, then I have to basically back myself out, because
20 chances are it's congested. I can't easily do that.

21 So, then, I start circulating around the
22 neighborhood looking for available spaces. What this does is
23 that it reduces that -- that circulation traffic associated with
24 The Home users. So that, you know, if I'm an employee or a
25 visitor coming to The Home, I'll come directly to The Home and

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1 see an available space; I pull in. There is no circulation
2 traffic associated with my trip anymore.

3 MR. GRAHAM: Okay. Your report doesn't discuss any
4 data about circulation traffic, does it?

5 CHAIRPERSON GRIFFIS: His testimony did, though.
6 I'm sorry. Go ahead.

7 MR. GRAHAM: Okay.

8 CHAIRPERSON GRIFFIS: I misunderstood your
9 question. It's the report. Go ahead.

10 MR. ANDRES: Well, it --

11 MR. GRAHAM: Does the report --

12 MR. ANDRES: -- in essence, our report does,
13 because as part of our peak parking demand calculation, we
14 identified a need for 10 percent -- if I can approach the Board
15 real quick.

16 The table that's on the easel is the table on page
17 11 of our report, Table 4, where we identify a factor of 10
18 percent to allow for efficient circulation. And that's the
19 activity that people looking for their parking spaces are
20 accounted for in our peak parking demand projections.

21 MR. GRAHAM: And you use the same circulation
22 figure, no matter what project, anywhere in the District of
23 Columbia, do you not?

24 MR. ANDRES: That circulation figure is I guess an
25 industry percentage that we've applied for this project.

1 MR. GRAHAM: Did you make any count while you were
2 at the facility of how many cars actually attempted to circulate
3 as you've just described?

4 MR. ANDRES: No, we didn't.

5 MR. GRAHAM: And your testimony is that the people
6 that have no shame about parking now will simply be able to park
7 legally and, thus, no more cars will be able to -- will be coming
8 into the neighborhood. Is that your testimony?

9 MR. ANDRES: Our testimony is that The Home and the
10 peak -- and the parking supply associated with that table would
11 accommodate all of the vehicles coming to The Home onsite.

12 MR. GRAHAM: Now that depends on your facility at
13 counting the number of cars at the site, is that correct?

14 MR. ANDRES: Can you clarify your question?

15 MR. GRAHAM: A lot of your assumptions depend that
16 you've done correct counting of the number of cars on the site,
17 right?

18 MR. ANDRES: Well, that's not an assumption. We
19 did do these counts onsite.

20 MR. GRAHAM: Did you do the counts personally?

21 MR. ANDRES: No, we didn't. Well, not personally.
22 We have staff that is assigned to do that work.

23 MR. GRAHAM: So, for example, if there were 120
24 cars and they counted 130, that could make a difference in your
25 conclusion, right?

1 MR. ANDRES: Yes, I guess so.

2 CHAIRPERSON GRIFFIS: Okay. A bit speculative, Mr.
3 Graham. Go ahead.

4 MR. GRAHAM: How many spaces are painted on the lot
5 now?

6 MR. ANDRES: I believe the number is 78.

7 MR. GRAHAM: 78 or 75?

8 MR. ANDRES: We had counted 78 spaces.

9 MR. GRAHAM: Did you count those yourself
10 personally?

11 MR. ANDRES: No, I didn't. We had staff that count
12 these.

13 MR. GRAHAM: So if I told you there were actually
14 89 spaces painted on the lot out there, you would be surprised, I
15 take it?

16 MR. ANDRES: Well, there are spaces that aren't
17 legal spaces that are painted.

18 MR. GRAHAM: You didn't count those when you wrote
19 in your report that there were 75 spaces painted on the grid,
20 right?

21 MR. KEYS: Mr. Chairman, I have to wonder at the
22 nature of the cross. We never encompassed the painted lines in
23 the parking lot or testified as to that issue. I'm not sure
24 where the cross examination is going.

25 CHAIRPERSON GRIFFIS: Okay.

1 MR. GRAHAM: Mr. Andres himself testified that
2 there were 75 spaces last time, and we counted and we found 89.
3 So we're wondering what this was all about.

4 CHAIRPERSON GRIFFIS: Good. And, Mr. Graham, I
5 think the Board is probably understanding where you want to go
6 with it. But I think it can be accomplished in several
7 questions. So the minutia may not need to be dragged through on
8 this, but it is an interesting point where he's going, just in
9 terms of getting the exact count of the striping of the parking
10 lot.

11 We have the engineer stating that the counts by the
12 firm indicated that there were 78?

13 MR. ANDRES: Yes, that's correct.

14 CHAIRPERSON GRIFFIS: Okay.

15 MR. ANDRES: And these are spaces that we thought
16 from field observation are legal spaces.

17 CHAIRPERSON GRIFFIS: Okay. So there was actually
18 a decision made onsite at counting. If something may have been
19 striped, it clearly wasn't legal on -- the staff member that was
20 counting, they would not have counted it.

21 MR. ANDRES: Yes, that's correct. For example --

22 CHAIRPERSON GRIFFIS: Okay.

23 MR. ANDRES: -- there are some spaces that are
24 legally striped for the loading zone.

25 CHAIRPERSON GRIFFIS: Gives some indication of how

1 it was done. Okay.

2 Mr. Graham?

3 MR. GRAHAM: I'll just turn the Board's attention
4 to page 5 of Mr. Andres' report in which he says that there are
5 78 marked surface parking spaces.

6 CHAIRPERSON GRIFFIS: Okay. And now, if I can
7 reiterate, then, we have another level of detail on what those
8 actually were. They would have been striped and legal, is that
9 correct?

10 MR. ANDRES: Yes. It's implicit that those spaces
11 were --

12 CHAIRPERSON GRIFFIS: I see.

13 MR. ANDRES: -- were legal.

14 MR. GRAHAM: And, of course, this Board has only
15 authorized 75, so I'm not sure why 78 would be legal. But we'll
16 leave that to the Board to decide.

17 CHAIRPERSON GRIFFIS: Well, it's a clarification
18 that's important to be made, Mr. Graham, not -- and when I say
19 legal, I'm not stating it in terms of compliance with the zoning
20 order. I'm stating in terms of the engineer, what they would
21 look at, and that would be size of the parking space. That would
22 also be drive aisle access to his parking space.

23 MR. ANDRES: That's correct.

24 CHAIRPERSON GRIFFIS: Okay.

25 MR. GRAHAM: How many people did you see that were

1 parked on the grass on 37th Street, not in any parking space?

2 CHAIRPERSON GRIFFIS: Let me -- also, Mr. Graham,
3 if you're going to the noncompliance of the parking lot, I mean,
4 I think you can quickly get through that, because I don't think
5 the engineer has actually ever -- in fact, we had, if I recall
6 correctly, testimony and photographs showing cars parked in fire
7 lanes. I mean, we don't get much more illegal than that.

8 So I think it's been fairly well established that
9 this is an overpacked parking surface at this point.

10 MR. GRAHAM: Yes. Mr. Griffis, if I can just
11 continue the cross. It goes to the accuracy and integrity of a
12 report from data given more than a year ago, and I'm simply
13 trying to point out that there are some very strange things said
14 in the report compared to the reality out there. And I'll tie it
15 up with our own witnesses, but I think I'm entitled on cross of a
16 parking expert to see can he really count. That's all I'm trying
17 to do right now.

18 CHAIRPERSON GRIFFIS: I see.

19 MR. GRAHAM: I'll be very brief with it.

20 CHAIRPERSON GRIFFIS: A bit strong in that
21 statement, but I understand, and I think you can continue a
22 little bit. As I say, making that point, I think it was fairly
23 clear in the first couple of questions where you were going with
24 that.

25 My emphasis to you would be if there is specific

1 factual information that you want to refute, that is of utmost
2 importance. If you are trying to, in fact, refute the reputation
3 or the ability of the engineer, we could take all afternoon with
4 that, and I'm not sure it, in fact, would be that productive for
5 you.

6 MR. GRAHAM: No. I'm sure the Board knows his
7 reputation.

8 Did you prepare something called an existing
9 conditions plan, Mr. Andres?

10 MR. ANDRES: Nothing in our report has that title.

11 MR. GRAHAM: You have a diagram on -- at Tab 2 of
12 your report called Existing Washington Home Parking Lot Layout.

13 MR. ANDRES: Yes, I do.

14 MR. GRAHAM: And did you compare that chart with
15 the reality on the ground of how many parking spaces were marked
16 at the time?

17 MR. ANDRES: This graphic was a CAD-based graphic
18 that we borrowed from the civil engineer.

19 MR. GRAHAM: Where do people park -- I noticed from
20 your graph that you had earlier that you had people onsite early
21 in the morning as well, is that correct?

22 MR. ANDRES: Yes, that's correct.

23 MR. GRAHAM: Do all the people that come park early
24 in the morning park in the legal spaces by your definition?

25 MR. ANDRES: Yes, that's correct.

1 MR. GRAHAM: They do park in the illegal spaces
2 when they park early in the morning when all of the legal spaces
3 are not filled. Is that your testimony?

4 MR. ANDRES: Yes, that's correct.

5 MR. GRAHAM: Is there a space reserved for the
6 Chair of the Board at the facility?

7 MR. ANDRES: I believe there are visitor spaces
8 that are reserved. To my memory, I'm not sure if there is one
9 for the Chair.

10 MR. GRAHAM: Did you ever look and see if anyone
11 was parking in the Chair of the Board's space?

12 MR. ANDRES: That wasn't --

13 CHAIRPERSON GRIFFIS: We need to quickly get to the
14 relevance of this.

15 MR. ANDRES: That wasn't part of our specific scope
16 of services. We just looked at the number of vehicles that were
17 parked in the spaces.

18 CHAIRPERSON GRIFFIS: Okay. But you can't answer
19 that question if you just answer you don't recall if the Chair
20 has a parking space.

21 Mr. Graham?

22 MR. GRAHAM: Is there an Employee of the Month
23 space? And is it ever used?

24 MR. ANDRES: Again, what we did is we looked at the
25 number of vehicles parked and the total number of spaces.

1 MR. GRAHAM: How many people parking in the parking
2 lot had a zone 3 parking permit?

3 MR. ANDRES: Again, we didn't look at the -- we
4 didn't look to see if the vehicles had a zone 3 permit.

5 MR. GRAHAM: How many people were doctors that were
6 actually parked in the lot when you did your survey?

7 MR. ANDRES: We have a doctor log-in sheet that we
8 looked at. And if you'll give me two seconds --

9 MR. GRAHAM: It's one of the documents we
10 previously requested and were never given, by the way.

11 MR. ANDRES: Three.

12 MR. GRAHAM: And how many visitors were actually in
13 the lot on the day -- which day were there three doctors, by the
14 way?

15 MR. ANDRES: The day was on the -- the first day on
16 -- the Tuesday of the survey.

17 MR. GRAHAM: How about the other two days?

18 MR. ANDRES: We didn't look at those other two
19 days.

20 MR. GRAHAM: How many visitors were actually in the
21 lot on the days that you did the survey?

22 MR. ANDRES: There was no way for us to distinguish
23 visitors from -- based on the fact that there were no -- in the
24 parking lot there were some vehicles with permits and some
25 without.

1 MR. GRAHAM: How many people that used the lot
2 exited the lot within less than two hours?

3 MR. ANDRES: We would -- looking at the parking
4 occupancy survey, it depends which two hours you're talking
5 about.

6 MR. GRAHAM: Well, can you tell me, how many people
7 at the peak hour, when you measured, say, 130 people using the
8 lot, how many of those people left within two hours, and, thus,
9 would have been entitled to use the two-hour parking?

10 MR. ANDRES: There is -- we can do a calculation
11 based on the occupancy survey how many vehicles roughly left the
12 lot or roughly entered the lot based on the data presented on
13 that graphic.

14 MR. GRAHAM: But you've never done that, right?

15 MR. ANDRES: No, we did not.

16 MR. GRAHAM: How many people parked in the lot and
17 then walked up to the post office or over to Sidwell or Hearst
18 School?

19 MR. ANDRES: We don't have that information.

20 MR. GRAHAM: How many did other business up on
21 Wisconsin Boulevard?

22 MR. ANDRES: Again, we don't have that information.

23 MR. GRAHAM: Did you notice how many people on the
24 lot had Maryland or Virginia tags?

25 MR. ANDRES: We have zip code data, but no analysis

1 was done on whether or not people were from Maryland or Virginia.

2 MR. GRAHAM: Do you recall that the last time we
3 met that Ms. O'Connor, the President of The Home -- or, excuse
4 me, the CEO -- testified that there was no problem getting
5 parking at 7:00 in the morning?

6 MR. ANDRES: Well, based on our Washington Home
7 survey, at 7:00 in the morning, which is the first data point on
8 that board, it is within the realm of the existing supply of
9 spaces.

10 MR. GRAHAM: And you heard her say at that time
11 that those are the low paid workers that she wants to give free
12 parking to, so they don't incur that burden, right?

13 MR. ANDRES: I don't remember that part of her
14 testimony.

15 MR. GRAHAM: Do you recall her testifying that it's
16 not until 8:00 or 9:00 when the administrators come in that
17 there's a problem with parking?

18 MR. ANDRES: Again, that could be part of her
19 testimony.

20 MR. GRAHAM: Did you look into how many people from
21 The Home are parking at 4200 Wisconsin parking lot?

22 MR. ANDRES: No.

23 MR. GRAHAM: Now, your conclusion is that 173
24 spaces are required by The Home, correct?

25 MR. ANDRES: Yes.

1 MR. GRAHAM: Now, one of the components of that
2 number is 136, which you took the peak number during the day and
3 averaged it over three days, right?

4 MR. ANDRES: Yes, that's correct.

5 MR. GRAHAM: Okay. Is that -- do you always take
6 peak demand as the floor in determining how many parking spaces
7 are needed for a particular enterprise?

8 MR. ANDRES: Could you clarify the question,
9 please?

10 MR. GRAHAM: Yes. Do you always take the peak
11 demand, whatever a lot is at full capacity, at the highest point,
12 in order to determine what the floor is for how many parking
13 spaces are needed?

14 MR. ANDRES: Well, I guess it depends on the
15 situation. For example, if we're looking at a school, and it's
16 graduation day, we won't -- you know, that wouldn't be the --
17 that wouldn't be the day that we would do our traffic count. We
18 would normally pick a day that has -- would be considered an
19 average day peak parking demand.

20 MR. GRAHAM: Okay. Does it make any difference to
21 the kind of analysis you do in what type of neighborhood in which
22 the parking lot is located?

23 MR. ANDRES: In terms of parking, what we do as
24 part of our analysis is we identify the peak parking demand. And
25 based on our experience in working with institutions in the

1 District, it's been our experience that the institutions are
2 usually I guess compelled to provide onsite parking. And as part
3 of our scope of services, we tried to identify what that parking
4 demand -- that should be accommodated onsite.

5 MR. GRAHAM: So you would have gotten the same
6 answer if The Home was located in a commercial zone or an
7 industrial zone, right?

8 MR. ANDRES: Well, that's what we would identify as
9 the peak parking demand, yes, that's correct.

10 MR. GRAHAM: Now, you said that there's an
11 additional 17 spaces that are needed based on the assumption that
12 a third of the utilization of nonresidential vehicles in the
13 neighborhood are Washington Home related, right?

14 MR. ANDRES: Well, the 17 is -- was estimated to be
15 a third of what's been occupied, but that 17 is comprised of
16 several components.

17 MR. GRAHAM: And you didn't do a survey of anyone
18 that was parking in the unrestricted or restricted areas to see
19 if they were Home users or not, did you?

20 MR. ANDRES: No, that would be I guess really close
21 to sort of invasion of privacy, following people to where they're
22 going.

23 MR. GRAHAM: Surveying them on the street would be
24 invasion of privacy?

25 CHAIRPERSON GRIFFIS: Right. Let's move on. You

1 didn't survey those people, correct?

2 MR. ANDRES: No, we didn't.

3 CHAIRPERSON GRIFFIS: Okay.

4 MR. GRAHAM: Now, you have also assumed that there
5 is another six parking spaces associated with the four new beds
6 that The Home wants to build, right?

7 MR. ANDRES: I believe the number is not six.

8 MR. GRAHAM: How many is it?

9 MR. ANDRES: The number is four.

10 MR. GRAHAM: So you want four new spaces for the
11 four new beds, right?

12 MR. ANDRES: Yes. And that was based on zoning
13 requirements.

14 MR. GRAHAM: And that's even though when The Home
15 added 12 beds, just five years ago, they said they didn't need
16 any new spaces, right?

17 MR. ANDRES: Well, what we used as this -- to come
18 up with these four spaces for these four beds, we used the
19 guideline associated in -- that's sort of described in the zoning
20 requirements.

21 MR. GRAHAM: Did you analyze how many spaces The
22 Home would need if it were able to persuade 10 or 15 percent of
23 the people that now drive to work to take one of the metros
24 that's so close?

25 MR. ANDRES: Can you repeat the question?

1 MR. GRAHAM: Yes. Did you analyze how many spaces
2 would be needed if The Home were able to get 10 or 15 percent of
3 the people that now drive to use the metro or the buses that are
4 all around The Home?

5 MR. ANDRES: There's not much analysis. If they
6 take metro, then they won't be driving.

7 MR. GRAHAM: And did you do any analysis of how
8 many people would drive if there was a parking fee associated
9 with parking for free in a residential neighborhood?

10 CHAIRPERSON GRIFFIS: Two things. First of all,
11 Mr. Andres, I'm going to have you reclarify your answer to the
12 last question.

13 Secondly, Mr. Graham, if you're going to ask him to
14 answer what he did in terms of speculating of other modes of
15 transportation, why don't you make it very concise. Just fire
16 them off. Give them all at once, and he can go down and he can
17 tell you which ones he did.

18 MR. GRAHAM: I think the Board got the point, so I
19 --

20 CHAIRPERSON GRIFFIS: I do.

21 MR. GRAHAM: That was the end of it.

22 CHAIRPERSON GRIFFIS: Indeed. We're pretty quick,
23 so you don't need to hit us three times.

24 MR. GRAHAM: Okay.

25 CHAIRPERSON GRIFFIS: Just reclarify the last

1 question, and I think you may not have understood the question.

2 MR. ANDRES: Okay. Well, he -- I guess the
3 question was asked if we did an analysis, if 10 or 15 percent of
4 the people who drove took metro.

5 CHAIRPERSON GRIFFIS: Correct.

6 MR. ANDRES: And what I'm saying is that if 10 or
7 15 percent of these people who drove took metro, then they
8 wouldn't be driving.

9 CHAIRPERSON GRIFFIS: Okay. But his direct
10 question was whether you analyzed the impact on your -- in your
11 study. Did you do that speculative study of reducing the traffic
12 or reducing the parking by people taking metro?

13 MR. ANDRES: No. No, we did not.

14 CHAIRPERSON GRIFFIS: Okay. Mr. Graham, is that a
15 fair statement?

16 MR. GRAHAM: That's --

17 CHAIRPERSON GRIFFIS: Okay.

18 MR. GRAHAM: That's what I --

19 CHAIRPERSON GRIFFIS: Ms. Renshaw? Good. Okay.

20 MR. GRAHAM: And in deference to the Board's
21 savviness on the long litany of questions I could ask about mass
22 transit alternatives, I will step down now.

23 CHAIRPERSON GRIFFIS: I don't mind you -- all I'm
24 asking is that, you know, you can fire them all off. I mean, I
25 think you are predicting what the answers are. If you want to

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1 fire them all off because you're not clear, then do so.

2 If not, I think the Board is pretty clear what was
3 done and what wasn't done. And I think we'll probably hear more
4 in terms of testimony on -- we heard some in the beginning, but
5 we'll probably get into more in terms of alternatives that the
6 neighborhood may be looking at.

7 MR. GRAHAM: Right. I guess my final question,
8 then, would be is, you didn't do any mass transit study of what
9 The Home could do in order to reduce its need for parking, did
10 you?

11 MR. ANDRES: We didn't, but we did do I guess sort
12 of a benchmark comparison. Based on our employee survey
13 information, which is identified in our parking analysis, there
14 has been -- it has been identified that 20 percent of the
15 population does take metro.

16 And comparing that to, for example, some of the
17 other major institutions we work for -- NIH, which is also --
18 which is a health care institution -- they have significant
19 transit incentives that include transit subsidies, and they are
20 located right on top of a metro station. Their transit
21 percentage is 11 percent, to give you an idea of effectiveness of
22 transportation incentives.

23 MR. GRAHAM: Well, you were the traffic consultant
24 or the consultant also for the Burke School, right?

25 MR. ANDRES: Yes, that's correct.

1 MR. GRAHAM: In that case, you did a study on
2 transit alternatives and traffic analysis, etcetera, right?

3 MR. ANDRES: Yes, we did.

4 MR. GRAHAM: But you didn't do that here, did you?

5 MR. ANDRES: No, we didn't.

6 CHAIRPERSON GRIFFIS: Okay. Is that a pure
7 statement of fact? I'm not sure what the relevancy of that is,
8 but the Board will decide that. Okay.

9 Mr. May?

10 COMMISSIONER MAY: Can I just repeat that one
11 statistic? Twenty percent of The Home employees --

12 MR. ANDRES: Yes, that's correct.

13 COMMISSIONER MAY: -- take metro now.

14 MR. ANDRES: Yes.

15 COMMISSIONER MAY: And NIH --

16 MR. ANDRES: As a whole --

17 COMMISSIONER MAY: -- as a comparison, 11 percent.

18 MR. ANDRES: -- it's 11 percent, and they -- they
19 have Trans-share, which is transit subsidies, and they are right
20 on top of a metro station. Plus, they have several bus lines
21 there.

22 COMMISSIONER MAY: And there's no subsidy or
23 incentive on The Home's part?

24 MR. ANDRES: No. I believe it's part of the
25 demographics of the employee population that are compelled to use

1 transit.

2 CHAIRPERSON GRIFFIS: And can I just point out,
3 it's Table 1 of your study that outlines that percentage, is that
4 correct? Page 5?

5 MR. ANDRES: Yes, that's right.

6 CHAIRPERSON GRIFFIS: Okay. And forgive me, but is
7 that comparison of NIH in your study?

8 MR. ANDRES: No, it's not.

9 CHAIRPERSON GRIFFIS: Indeed, so that's just what
10 you're saying at this point.

11 MR. ANDRES: Yes, that's right.

12 CHAIRPERSON GRIFFIS: Okay.

13 VICE CHAIRPERSON RENSHAW: Mr. Chairman --

14 CHAIRPERSON GRIFFIS: Yes.

15 VICE CHAIRPERSON RENSHAW: -- if I could ask Mr.
16 Andres, are you aware of this -- of DDOT's emphasis on transit-
17 oriented neighborhood planning?

18 MR. ANDRES: Not specifically.

19 VICE CHAIRPERSON RENSHAW: What do you mean not
20 specifically?

21 MR. ANDRES: Well, I understand that DDOT looks at
22 transit areas as an opportunity to maximize transit usage for
23 developments at that location.

24 VICE CHAIRPERSON RENSHAW: But you did not
25 investigate any transit-oriented planning for this particular

1 area?

2 MR. ANDRES: No. As part of our scope of services,
3 we concentrated on the parking analysis.

4 VICE CHAIRPERSON RENSHAW: Thank you.

5 CHAIRPERSON GRIFFIS: So what you're saying is that
6 would be a whole other study that would have to be conducted and
7 obviously paid for.

8 MR. ANDRES: Yes. You know, it would consist of --
9 it would consist of doing in-depth surveys of employee
10 sensitivity.

11 CHAIRPERSON GRIFFIS: Okay. Are you aware of this
12 applicant conducting any of those studies?

13 MR. ANDRES: I have not seen any studies.

14 CHAIRPERSON GRIFFIS: Okay. Any other questions?

15 COMMISSIONER MAY: Yes. This is -- I'm not sure I
16 even want to ask this question, but I'll --

17 CHAIRPERSON GRIFFIS: Do you want to run it by me
18 first? No, I'm kidding. Ask your question.

19 COMMISSIONER MAY: In your experience, when you
20 encounter a relatively high percentage of metro use, is that in
21 some cases simply brought on by the lack of parking? In other
22 words, I mean, you mentioned the demographic side of it. I mean,
23 doesn't that demographic have -- I mean, also affected by the
24 fact that they can't get parking, they'd have to park and pay \$10
25 a space, or whatever.

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1 MR. ANDRES: Well, I guess it depends on the rate
2 structure. And, again, it depends on the demographics of the
3 employee population. If the employee population -- for example,
4 if the people that are taking metro now are -- this will be a
5 little judgmental, but a little bit more of the higher paid
6 professionals, then it's possible that they might be persuaded to
7 take transit -- excuse me, to bring in their cars if more parking
8 is available.

9 However, but because of the fact that the existing
10 parking is already -- you already have people who are illegally
11 parking, it's sort of a condition where the employees know that
12 they can park onsite.

13 COMMISSIONER MAY: So in the event that there were
14 ample free parking, in your judgment, it does not indicate that
15 the 20 percent would go down.

16 MR. ANDRES: I don't think so, because of the fact
17 that it -- that the current parking situation is such that people
18 are illegally parking onsite anyway. So because --

19 COMMISSIONER MAY: But they're not at all dissuaded
20 by the difficulties of that?

21 MR. ANDRES: I don't think so, because of the fact
22 that you also -- there are also I guess some spaces that they're
23 competing for on the street as well.

24 COMMISSIONER MAY: Okay. Thank you.

25 VICE CHAIRPERSON RENSHAW: Mr. Chairman, a

1 question. If these parking spaces were allowed, the increase I'm
2 talking about, do you have any feelings about whether or not the
3 illegal parking would continue? In other words, more people
4 would drive, therefore, more cars illegally parked in an expanded
5 parking lot?

6 MR. ANDRES: No. Because of the fact that we've
7 picked the -- I guess the average high peak on -- during the
8 week, we believe that we have that covered, because we also
9 include percentages for visitors. We believe that population is
10 covered, and also because of the fact we include the 10 percent
11 circulation factor, which allows us -- which allows The Home the
12 flexibility to I guess serve certain events -- for example, board
13 meetings and things of that nature that might peak -- that might
14 surge the parking a little bit.

15 I believe that if -- that there would be rare
16 instances where we would need more parking than what's identified
17 in that table.

18 CHAIRPERSON GRIFFIS: Others? Okay. Mr. Kogan?
19 If I might just ask you how many questions you have. Do you know
20 right now?

21 MR. KOGAN: I have approximately three questions.

22 CHAIRPERSON GRIFFIS: Okay.

23 MR. KOGAN: Okay.

24 CHAIRPERSON GRIFFIS: You have unlimited questions.

25 I just want to get a gauge, because we're going to need to take

1 a quick recess. So I'm just trying to get scheduling.

2 MR. KOGAN: I'll try to be --

3 CHAIRPERSON GRIFFIS: Go ahead.

4 MR. KOGAN: I'll try to be brief.

5 CHAIRPERSON GRIFFIS: Take your time.

6 MR. KOGAN: Mr. Andres, I just wanted to follow up
7 on the example or the comparison -- comparative example of NIH.
8 Are you aware of the fact that the NIH has a policy of providing
9 free parking to employees, and they have a very large quantity of
10 parking spaces available at that facility?

11 MR. ANDRES: Yes, there's a large quantity, but
12 there's also a large competition for those available spaces.
13 It's turned out such that they have sort of valet parking on
14 campus.

15 MR. KOGAN: Okay. Mr. Andres, on your survey that
16 occurred during three days in May of 2001, were there any special
17 events occurring at The Home that would have driven that peak up?
18 Any board meetings or any conferences that were occurring to
19 your knowledge?

20 MR. ANDRES: It's our understanding that we cleared
21 those -- that week with The Home administration before we did our
22 surveys.

23 CHAIRPERSON GRIFFIS: Meaning that there weren't
24 any of those done.

25 MR. ANDRES: Yes, that's correct.

1 CHAIRPERSON GRIFFIS: Okay.

2 MR. KOGAN: Okay. Mr. Andres, I have an e-mail
3 that was sent to me and Mr. Richard Danzig in response to some
4 questions that we had presented to Mr. Keys back in March. And
5 we asked Mr. Keys about the basis for estimating that 17 vehicles
6 in this on-street unrestricted parking area were related to
7 Washington Home activities.

8 And Mr. Keys' response was that that conclusion
9 that there were 17 Washington Home related vehicles is not based
10 on direct empirical evidence, but is, rather, deductive. Is that
11 your understanding of how that number was developed?

12 MR. ANDRES: Well, that number was developed based
13 on us looking at logs, based on us looking at the employee mode
14 choice information. What we did is when we went out into the
15 field and saw close to 136 vehicles, we took the employee
16 information that said that 66 percent of the population drove,
17 and said that, okay, if every -- if these 66 percent of these
18 employees drove, then, in essence, they would take up all 136
19 spaces.

20 But we know that The Washington Home not only has
21 employee users but also has visitor users. So we also looked at
22 several logs, which include doctor logs, hospice volunteer
23 information, hospice visitor logs, and that's where we came up
24 with the 17 percent. And if you give me two seconds, I can break
25 down that 17 for you.

1 I'm reading the e-mail that Mr. Keys sent. His e-
2 mail does sort of support what I'm going to go through right now.

3 What we believe the 17 vehicles are consists of --

4 CHAIRPERSON GRIFFIS: Well, isn't the question
5 posed, was it empirical or --

6 MR. KOGAN: Yes.

7 CHAIRPERSON GRIFFIS: Just restate that specific
8 thing, because it may be a very quick answer.

9 MR. KOGAN: Yes. Was it based on direct
10 observation?

11 MR. ANDRES: It was based on visitor logs.

12 CHAIRPERSON GRIFFIS: Okay.

13 MR. KOGAN: So it was an extrapolation.

14 MR. ANDRES: No, it wasn't.

15 CHAIRPERSON GRIFFIS: It was based on fact.

16 MR. ANDRES: Yes, it was based on the logs.

17 CHAIRPERSON GRIFFIS: Right. Okay. And now we
18 also need that e-mail submitted in if you -- you can do it
19 whenever you want. I don't need it right now, but it has now
20 come up in the discussion. Okay.

21 Unless you have an objection to that, Mr. Keys.

22 MR. KEYS: Mr. Kogan's use of it referred to only
23 one question and answer in the e-mail. I would probably want to
24 redact the rest as not being relevant to the --

25 CHAIRPERSON GRIFFIS: Okay. I don't have a problem

1 with that. I think the question is evidence of itself in terms
2 of what it was going to. I didn't necessarily need the use of
3 the e-mail, but it puts it in context. I don't think we need to
4 take it in.

5 All right. Other questions?

6 MR. KOGAN: Just one more. I think on page 6 of
7 your report, Mr. Andres, you refer to the fact that there are --
8 that some of the vehicles observed without residential stickers
9 can be associated with visitors and employees of The Washington
10 Home, but it can also be associated with Sidwell Friends School
11 and the U.S. Post Office located nearby. Isn't that true for
12 parking spaces on the lot and off the lot as well?

13 MR. ANDRES: Well, it -- it could be true, but we
14 don't believe it to be true on the lot. And the reason for that,
15 of course, is because of the fact you have the potential to be
16 blocked in if you park in the lot. And if you're a non-
17 Washington Home user, that would be a disincentive for you to not
18 park on The Washington Home lot.

19 MR. KOGAN: Those are my questions.

20 CHAIRPERSON GRIFFIS: Good. Thank you very much.

21 Any last Board questions for the witness?

22 MEMBER ETHERLY: Just very quickly, let me come
23 back to the issue of the visitor logs, because that was raised in
24 some of our earlier conversation regarding the motions practice
25 at the beginning.

1 Those were just visitor logs, doctor sign-in logs,
2 for just that one -- just one day of the three that you looked
3 at, correct?

4 MR. ANDRES: Yes, that's correct.

5 MEMBER ETHERLY: Okay. And that would be that
6 Tuesday date.

7 MR. ANDRES: Yes, that's correct.

8 MEMBER ETHERLY: Okay. So I'm going to be a little
9 redundant here, but, for me, I think this is an important
10 question. But it appears that there is no way, other than
11 getting the actual logs, of determining or making some type of
12 assessment of what the level of visitor traffic is on a daily
13 basis, or even doctor traffic on a daily basis at The Home.

14 And this might be either a question for you or for
15 Mr. Keys to respond to, but I think it's a very crucial point,
16 for me at least getting a flavor for that traffic flow, because
17 that's going to contribute to usage of the parking spaces.

18 MR. KEYS: Mr. Etherly, what I would suggest is
19 that the traffic study made reference to the 17 figure. That is
20 a peak use. That's the coincidence of the visitor count at the
21 time of peak use of the lot. I think that when we get to another
22 witness I think we could introduce more current information that
23 might show you the visitor flow throughout the day.

24 MEMBER ETHERLY: And it's kind of spread out.

25 MR. KEYS: Throughout the day.

1 MEMBER ETHERLY: Okay.

2 MR. KEYS: The 17, as it turns out, is fairly
3 typical.

4 MEMBER ETHERLY: Okay.

5 MR. KEYS: If you looked at hourly intervals --

6 MEMBER ETHERLY: Okay.

7 MR. KEYS: -- throughout the --

8 MEMBER ETHERLY: And that's what I was getting at.

9 I mean, if it's the case that you want to leave the impression
10 that, hey, this is a fairly typical snapshot, so take this, I'm
11 fine with that. But that is a little bit of a leap of faith that
12 I'm still trying to kind of fill in here, and I just want to be
13 sure that we have some opportunity to hear a response to that.

14 CHAIRPERSON GRIFFIS: What witness do you
15 anticipate having -- being able to answer that?

16 MR. KEYS: I've asked Mr. McGee --

17 CHAIRPERSON GRIFFIS: Okay. That's fine. I just
18 wanted to get --

19 MR. KEYS: Okay. Mr. Chair, if there's --

20 CHAIRPERSON GRIFFIS: Did you have redirect?

21 MR. KEYS: That's what I was going to ask. Is this
22 now the appropriate time for that?

23 CHAIRPERSON GRIFFIS: Unless you can hold off for
24 five minutes, so I can have the Board just quickly take a recess
25 and we'll be back. We'll make it eight minutes. And I'd ask

1 everyone to stand up and stretch their legs while we do that.

2 (Whereupon, the proceedings in the foregoing matter
3 went off the record at 3:30 p.m. and went back on
4 the record at 3:45 p.m.)

5 CHAIRPERSON GRIFFIS: Whenever you're ready.

6 MR. KEYS: Mr. Chair, I have --

7 CHAIRPERSON GRIFFIS: If I could have everyone's
8 attention, we'll get back into the hearing.

9 MR. KEYS: Mr. Chair, I have no redirect of this
10 witness.

11 CHAIRPERSON GRIFFIS: Okay.

12 MR. KEYS: But I would ask the Chair, if it's at
13 all possible, I have a witness, Mr. Long, who needs to leave here
14 by --

15 MR. LONG: 5:30.

16 MR. KEYS: -- by 5:30, if it's possible to take the
17 witnesses slightly out of the order that I suggested and perhaps
18 get to Mr. Long sooner than later.

19 CHAIRPERSON GRIFFIS: It's your order.

20 MR. KEYS: Thank you.

21 MR. ANDRES: Thank you.

22 CHAIRPERSON GRIFFIS: Sure.

23 Question, Mr. Graham?

24 MR. GRAHAM: This is the first I've heard that Mr.
25 Long is going to testify, and I'm just wondering if there was

1 going to be some sort of document or something that we have never
2 been given that I could given or --

3 CHAIRPERSON GRIFFIS: That's what he's passing out
4 now. And, actually, it was stated at the beginning -- Mr. Keys
5 stated that he had anticipated calling him, and he let us know
6 today at -- starting this off, and I believe, if I'm not
7 mistaken, Mr. Long is going to talk about the storm water
8 management on the site, because of the submission of information.
9 It's in order to respond to that.

10 And let me -- are you proffering Mr. Long as an
11 expert witness?

12 MR. KEYS: Yes, Mr. Chair, I will be.

13 CHAIRPERSON GRIFFIS: Okay. How about --

14 MR. KEYS: And I have distributed -- I think staff
15 has passed out his resume.

16 CHAIRPERSON GRIFFIS: And do the parties have the
17 resume? Mr. Graham?

18 MR. GRAHAM: I was just handed it for the first
19 time.

20 CHAIRPERSON GRIFFIS: And I also. But that's what
21 adds to the excitement of these hearings.

22 Mr. Long is a vice president of Delana Hampton and
23 Associates.

24 Board members, parties, I would ask that we take a
25 moment just to look this over.

1 Questions of Mr. Long?

2 Mr. Long, on your long and extensive resume listing
3 numerous projects, not being able to read through all of the
4 definitions of these, but storm water management and storm water
5 management design was part of several of these cases. Can you
6 give me an indication of how many or all of these cases? Is this
7 a normal process for you in terms of your discipline on
8 construction projects?

9 MR. LONG: Storm water management and storm
10 drainage is probably 60 to 70 percent of what we do on all
11 projects.

12 CHAIRPERSON GRIFFIS: Okay. Board members, other
13 questions? Do parties have any objections to Mr. Long as an
14 expert witness?

15 MR. GRAHAM: Not given the amount of time I have.
16 I have no basis for any objections.

17 CHAIRPERSON GRIFFIS: How much time would you need
18 in order to form an opinion?

19 MR. GRAHAM: I'll guess I'll have to listen to him.

20 CHAIRPERSON GRIFFIS: I see. Okay. Board members,
21 if there's no objection, I would bestow the honor of expert
22 witness to Mr. Long, based on his clear experience, one, in the
23 projects listed on his resume, and his clear experience in -- as
24 vice president of a firm clearly associated in directly dealing
25 with civil engineering. Any objections?

1 Okay. We can proceed. Let me outline a little
2 bit, Mr. Keys, in terms of scope of this. Storm water management
3 -- and I think it -- the Board appreciates your bringing an
4 expert on to discuss this based on some of the objections.

5 Storm water management is clearly under a
6 jurisdiction of an entity beyond this Board. I think as the
7 witness can speak to the impacts attendant to this application,
8 that would be most important. I would say the same, and will say
9 the same, to all of the parties as we go into cross examination.

10 There will be a certain amount that is within our jurisdiction
11 and an amazing amount that is without.

12 So if we can all focus directly on how it's
13 attendant to the zoning issues, it will be helpful to this Board
14 and also expeditious in our time.

15 That being said, Mr. Keys, I will turn it over to
16 you to call the witness.

17 MR. KEYS: Thank you.

18 I'd like to ask Mr. Long, who is the civil engineer
19 on this project, if he would, utilizing the exhibit which the
20 Board has been provided, that was used during Ms. Dickeson's
21 testimony showing the topography, that set of three exhibits
22 which was the basis for Mr. Long's presentation to Advisory
23 Neighborhood Commission 3F at the May meeting, addresses the
24 unique aspects of this site and some of the issues that relate to
25 community concerns.

1 We would like to demonstrate to the Board, as part
2 of our main case, that we are not having an adverse impact on the
3 situation by virtue of this proposal.

4 Mr. Long, if I could ask you to use those exhibits
5 or the diagrams that previously have been used by Ms. Dickeson to
6 try and give the Board a sense of what we're proposing for the
7 site and how we are hopefully improving the community.

8 MR. LONG: My name is James Long. I'm a
9 professional engineer, registered in the District of Columbia,
10 and my office is at 8403 Colesville Road in Silver Spring.

11 We were asked to do several things for this
12 project. One was to conduct a survey, which is a topographic
13 survey which was performed, which is the Sheet C01. And then we
14 were asked to do some drainage analyses in support of this
15 application.

16 The first drawing, C02, is essentially an
17 enlargement of a portion of the C01 sheet, and it shows the
18 existing lot and the existing drainage analysis or drainage
19 accounting. It's really an accounting procedure.

20 The line in red shows the drainage, the onsite
21 drainage boundary of the existing lot, and it's -- the drainage
22 area of small watershed composes 2.01 acres, of which the
23 components are listed below in the table of .62 acres of grass,
24 lawn, open space, .89 acres of pavement, and .5 acres of
25 building.

1 One thing to notice about this existing lot is that
2 there is no storm water management currently for this lot. It
3 was built at a time when the storm water management regulations
4 were in a state of flux, and essentially at the time I do believe
5 that this was less impervious than was already there, so they
6 were essentially built without any storm water management.

7 CHAIRPERSON GRIFFIS: Just for clarification here,
8 when you say that there's no storm water management, meaning
9 there's no onsite storm water management --

10 MR. LONG: There's no onsite sand filter or storage
11 chamber for management of the runoff.

12 CHAIRPERSON GRIFFIS: Indeed.

13 MR. LONG: There are storm drainage systems and
14 inlets, and I'll make a differential. Storm drainage system is a
15 conveyance system for transporting water from one place to
16 another. Storm water management is a treatment or holding tank
17 or filtering device for the cleaning or storage of storm water.

18 CHAIRPERSON GRIFFIS: Okay. And so for
19 clarification for the non-engineers like myself, storm water
20 management actually treats water onsite as it, then, is moved
21 away.

22 MR. LONG: That's correct.

23 CHAIRPERSON GRIFFIS: As opposed to what we have
24 now in existence where we have a normal gutter that would -- the
25 water would run down and run straight down into our rivers. Is

1 that correct?

2 MR. LONG: It's essentially vented, uncontrolled
3 from the site to the existing system in the streets.

4 CHAIRPERSON GRIFFIS: Okay. Thank you.

5 MR. LONG: The C03 drawing is the proposed
6 development. And as stated previously, there is some
7 diversion/conversion of grass to impervious area. My number is a
8 little bit different. We're a little bit more conservative on
9 the drainage side. We didn't count any grass islands inside the
10 lot for a drainage calculation.

11 But the watershed that's now bounded by this lot
12 grows from 2.01 acres to 2.39 acres. And it's attendant -- the
13 pavement area is increased from 0.89 acres to .43 acres, which
14 roughly accounts for the number Laurie gave you earlier today, if
15 you add in the green -- I didn't count the green space, so it's
16 -- and what we are proposing to do is to construct two sand
17 filters on this site for the treatment of storm water quality
18 control and quantity control.

19 What we are offering to do -- technically, under
20 EHA, we are only responsible for treating the net increase in
21 impervious area. What we have offered to do and were directed to
22 do were to provide storm water management for the entire lot
23 area. So, basically, the entire parking lot we're going to put
24 in storm water that's now -- that should have been done years
25 ago, but technically wasn't, and treat storm water for this

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1 entire impervious area.

2 The sand filters provide a measure of water quality
3 control through a filtration system, and the sand filters have an
4 enlarged first chamber for the control of water quantity. It
5 stores volume temporarily in there, so that the sand filters are
6 -- have been modified in recent years to perform both functions.

7 COMMISSIONER MAY: While you're on that point,
8 could you explain why holding the quantity of water onsite is
9 critically important in the District with its overall problem
10 with storm water management in the combined sewer system?

11 MR. LONG: Yes. Even if there's no -- there's no
12 combined sewer system in this section of the District. But,
13 typically, you are required to manage -- storm water regulations
14 have evolved over time to manage your runoff rates back to
15 existing conditions or even some places preexisting conditions,
16 which means historically meadow conditions.

17 It's an over -- it's an oversimplification of what
18 might have existed in the past, but essentially you overmanage --
19 you retain water on your site and discharge it at a smaller rate,
20 at a rate at which the existing system can receive it to prevent
21 downstream flooding. It's a typical thing to do -- what we have
22 offered to do here via the sand filter structures.

23 CHAIRPERSON GRIFFIS: Okay. And your proposed plan
24 is -- as laid out and proposed is in compliance with the D.C.
25 building codes that require the storm water measurement.

1 MR. LONG: It will be. Again, this is a
2 preliminary design, and we haven't run all of the final numbers.

3 But, yes, when we go to final engineering on this, it will be a
4 sealed, certified plan by myself or one of the other D.C.
5 registered PEs in the office.

6 CHAIRPERSON GRIFFIS: Okay.

7 VICE CHAIRPERSON RENSHAW: Mr. Chairman?

8 CHAIRPERSON GRIFFIS: Yes.

9 VICE CHAIRPERSON RENSHAW: I'd like to ask Mr. Long
10 -- in holding the water and cleaning the water onsite, is there a
11 -- what do I want to call it -- like a fountain arrangement that
12 I've seen on various institutional properties where this is done?

13 MR. LONG: No, these are just big underground
14 vaults that you really don't want to go in for the most part.

15 VICE CHAIRPERSON RENSHAW: Right. So it's
16 underground. It's --

17 MR. LONG: It's an underground chamber.

18 VICE CHAIRPERSON RENSHAW: All right. I was asking
19 that question, because if above ground it would have to be fenced
20 in for safety.

21 MR. LONG: Yes. The one thing that we are trying
22 to do here, if you look at the C03 plan, is that we are trying to
23 salvage some of the existing infrastructure on the site. So
24 those pipes are already in the ground. So there is
25 infrastructure there that we are trying not to rebuild.

1 It services the building, so we are designing this
2 to meet existing conditions, albeit built conditions, but it's a
3 little bit of an engineering to get -- we're taking out some
4 pipes, obviously, but we're trying to -- essentially, the pipes
5 servicing the building is there.

6 The runoff comes off the roof. So we can't treat
7 the runoff from the roof because it's already way in the ground.

8 But we can treat the runoff from the entire parking lot.

9 MEMBER ZAIDAIN: It looks like from the plan you're
10 using the existing inlets, is that correct?

11 MR. LONG: No. We're reusing -- we're setting new
12 inlets along each edge. The western and southern -- northern
13 edge -- I'm looking at Laurie's plan -- of the property. We
14 would set new inlets to capture that water, convey it to the sand
15 filter, and then reconvey it to the existing outlet pipe.

16 MEMBER ZAIDAIN: Okay.

17 MR. LONG: So it -- again, the storm drain --
18 what's depicted here is to capture it, conveyance, and then
19 treatment scheme.

20 CHAIRPERSON GRIFFIS: Are there other alternatives
21 for onsite management?

22 MR. LONG: There are other alternatives that are --
23 have been discussed. There was a discussion at one point of
24 using rain gardens or bioretention areas. Bioretention areas
25 provide only water quality control through a filtration system.

1 One of my concerns about a bioretention area, if you do introduce
2 water in the ground -- and this site is perched -- you will see
3 seeps coming out of the side of this at some point in time.

4 So we've decided -- and parts of this site were --
5 already had previous construction on it, so we've -- have not
6 found a whole lot of good uses for -- in urban sites or
7 redevelopment sites where bioretention works very well. Plus,
8 you don't get the water quantity control.

9 One of the other options that has been used in some
10 of the projects is to use a unit called the storm filter unit,
11 which is a single unit, to treat for storm water quality. It's a
12 commercial unit. It's like an enlarged inlet, which treats for
13 quality. Then, to put it into a chamber, a storage chamber.

14 We actually have done that on a couple of projects.

15 The tradeoffs are the chamber gets bigger. You are less able to
16 precast them. So, hence, more expense in terms of we have lots
17 of -- we have lots of sand filters of this size under
18 construction that have been precast. So --

19 CHAIRPERSON GRIFFIS: You also say that you are
20 going to be reusing a substantial amount of the piping. Is it --
21 I see several that are noted, I'm assuming to be abandoned.

22 MR. LONG: Yes.

23 CHAIRPERSON GRIFFIS: Which won't be used.

24 MR. LONG: Yes.

25 CHAIRPERSON GRIFFIS: Is there any new piping

1 that's going in under the berm or the landscape, close to any of
2 the trees on the site?

3 MR. LONG: We have piping on the northern edge.
4 One of the options would be to -- and that piping -- it's
5 actually obscured by the coloring, but it runs under the curb
6 line. One of the things we could do would be to build the inlet,
7 put a manhole in the paving, and then go westward as opposed to
8 running it directly behind the curb line, which would save some
9 impacts.

10 We would have to buy a couple of extra manholes,
11 but you could send the water into the lot as opposed to behind
12 the curb line, which is a detail we can work out if that's
13 desirable. Or I think we were far enough out of the tree root
14 zone, anyway, but if that's an added measure of caution that is
15 deemed necessary, then that's fine.

16 MEMBER ETHERLY: Mr. Chair, very briefly. I will
17 definitely admit you're talking a little bit of Greek when we
18 talk about storm water management for at least this particular
19 Board member. But just -- you probably heard at the top a lot of
20 discussion about the berm and, in particular, the gradual slope
21 of the property.

22 Are there any particular problems or special
23 considerations or concerns that are raised by a loss of a portion
24 of that berm as you noted in Ms. Dickeson's presentation?

25 MR. LONG: Well, I have heard that there were

1 concerns about flooding offsite, and this is -- actually, we're
2 folding more of this area into the site to be treated by the
3 proposed storm water management system. So in that case, the
4 amount of uncontrolled runoff leaving the property is -- will be
5 less. We're increasing the greater percentage of controlled
6 runoff.

7 I think it's a -- from a -- I'll put on my site
8 planner's hat for -- this is a pretty gracious setback that's
9 being preserved. I mean, this is a pretty good setback, and we
10 have -- we are certainly extending the east/west line in a
11 logical fashion, but we're certainly not moving that line
12 northward.

13 So there is a fair amount of vegetation there
14 that's intent is to be remaining. And there will be protections
15 during construction and whatever we deem necessary for the trees.

16 But it's a pretty -- from a construction standpoint, it's a
17 pretty minimal intrusive northward -- intrusion northward. And
18 we can even lessen that some more if the -- through some clever
19 aligning of utilities.

20 MEMBER ETHERLY: Okay. And there are no concerns
21 that have been raised or should be raised regarding, say, for
22 example, the integrity of the berm as you deal with the issue of
23 storm water management? I mean, there's -- we've talked a little
24 bit about the placement of a retaining wall portion there.

25 MR. LONG: Well, actually, the berm is -- the berm

1 is actually a vestige of where parking used to be previously. So
2 the berm was where the parking edge used to be on the previous
3 development, I do believe, from the record drawings we've pulled.

4 So the berm is kind of a -- it's just a local --
5 little localized terrain finger, so to speak, but it's not -- I
6 mean, so we're not -- I do have some concerns about the slope of
7 the lot and the grading, trying to -- it is a balancing act on
8 the northwest corner trying to get some reasonable slopes in the
9 lot.

10 And, you know, if you get a low cross slope, your
11 retaining wall may be higher -- or will be higher on the
12 northwest corner, but that's a balancing act until we get into
13 final grading.

14 MEMBER ETHERLY: Okay.

15 MR. LONG: But it is a -- you know, and maybe
16 that's a -- you know, maybe there is some juxtaposition of spaces
17 when we do final design to minimize those impacts. But that's
18 really the only real -- the water is going there now to the
19 northwest corner.

20 MEMBER ETHERLY: Okay. So, and when you say
21 juxtaposition of spaces, you're talking about perhaps
22 juxtaposition of a couple of parking spaces?

23 MR. LONG: Yes.

24 MEMBER ETHERLY: To cover those slots that are
25 indicated on the northwest corner.

1 MR. LONG: Yes.

2 MEMBER ETHERLY: And just to make sure my
3 orientation is correct, that's the corner of C03 that's heading
4 towards Upton and 37th or --

5 MR. LONG: Yes, where the cupola is.

6 MEMBER ETHERLY: Gotcha. Excellent.

7 Okay. Thank you very much, Mr. Chair.

8 CHAIRPERSON GRIFFIS: That's going to be northeast,
9 isn't it?

10 MR. LONG: Northeast corner, I'm sorry. Did I say
11 --

12 CHAIRPERSON GRIFFIS: Right.

13 MEMBER ETHERLY: Okay. Thanks.

14 MR. LONG: Northeast corner.

15 CHAIRPERSON GRIFFIS: Okay. Northeast.

16 MEMBER ETHERLY: Thank you, Mr. Long.

17 Thank you, Mr. Chair.

18 CHAIRPERSON GRIFFIS: Good. Any other questions?

19 COMMISSIONER MAY: I have one question.

20 CHAIRPERSON GRIFFIS: Yes.

21 COMMISSIONER MAY: How deep would the excavation be
22 for the sand filters, approximately?

23 MR. LONG: These sand filters are -- we've got them
24 sized at 10 by 10, and the one is 40 foot long, the other is 60
25 foot long is the preliminary size. So 10 by 10, they'd be -- the

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1 top of them would be three foot in the ground, so the excavation
2 would be 12 foot in the ground, 13 foot in the ground.

3 COMMISSIONER MAY: Okay.

4 MR. LONG: So they're pretty -- we haven't balanced
5 that with the out -- we have an existing pipe invert that we have
6 to meet, so we may have to play with their pipe to make sure they
7 drain. But that's a final design item, so they may get longer
8 and fatter and shallower because of other engineering concerns.
9 But right now they are sized at eight by eights -- eight by
10 eights or eight by tens.

11 COMMISSIONER MAY: Right. The reason I asked the
12 question is that it's in the corner where it's located there
13 relatively close to the trees, but at -- if they're only going to
14 be 15 feet in the ground, you ought to be able to excavate and
15 stay well clear of the trees, because you wouldn't need more
16 than, you know, 20 feet or something like that --

17 MR. LONG: Correct.

18 COMMISSIONER MAY: -- right?

19 MR. LONG: Correct.

20 COMMISSIONER MAY: Yes, okay.

21 MEMBER ETHERLY: Mr. Long, let me come back to a
22 response that you gave just a second ago. I want to make sure I
23 understand it. You noted that conceivably, as you get a little
24 deeper into this, there could be a need for the juxtaposition of
25 some parking spaces. Could you talk a little more about what you

1 mean there? Do you mean that there might be a need to perhaps
2 reorient a number of spaces or --

3 MR. LONG: No. I'm just saying I'm holding the
4 orientation that was given me, but it may be that we -- because
5 if we -- if a wall turns out to be a certain height, and a wall
6 has a heel and a toe on it, that -- the wall itself, which we
7 would put in to minimize impact to existing trees, the wall
8 itself may cause damage to the tree, so we may -- maybe it's
9 eliminated space because you've got to get another entity in
10 there. So sometimes the solution to a problem, put a wall in,
11 may actually cause more damage than good.

12 So we haven't -- again, haven't graded out this
13 corner to -- in great detail and cut a section for a wall and
14 done all of those heavy design things, but -- so there may be
15 some -- some horizontal -- there may be a horizontal shifting.
16 Maybe you lose a space on one edge in order to get that clearance
17 to minimize disruption to the tree.

18 MEMBER ETHERLY: Okay. I don't --

19 MR. LONG: That's the --

20 MEMBER ETHERLY: Oh, I'm sorry. I didn't mean to
21 interrupt.

22 MR. LONG: And simply what type of wall, whether we
23 use a concrete wall, mechanically stabilized earth, those
24 decisions haven't been made yet.

25 MEMBER ETHERLY: Okay. I want to be sensitive,

1 obviously, to not speculating too much. But can you say with any
2 specificity or maybe even generally -- would you anticipate
3 losing more than a space? Because I'm sure as you've heard the
4 conversation the number of spaces is going to be very critical
5 here.

6 So in that kind of scenario, would you anticipate
7 perhaps one space dropping off, or, you know, could it be any
8 more significant number depending on what happens once you start
9 to really get into the excavational grading issue?

10 MR. LONG: My estimation would be one or two in the
11 experience we have with trying to grade around trees.

12 MEMBER ETHERLY: Okay.

13 MR. LONG: Usually the fix is worse than the
14 situation.

15 MEMBER ETHERLY: Okay. All right. So that could
16 be potentially -- let me emphasize that -- potentially one or two
17 spaces.

18 MR. LONG: Correct.

19 MEMBER ETHERLY: Okay. But we're just -- once
20 again, we're just kind of hypothetically talking.

21 MR. LONG: Or simply the juxtaposition of interior
22 green space. Maybe we enlarge that island on the corner to
23 minimize an impact, and that's one of the "five percent" that was
24 discussed earlier.

25 MEMBER ETHERLY: Okay.

1 MR. LONG: We enlarged that interior green space on
2 that corner to avoid an existing tree as -- you know, and that --
3 again, it's the lay of the land, the juxtaposition of things.
4 That's also a solution.

5 MEMBER ETHERLY: Okay.

6 MR. LONG: Put islands where existing trees are to
7 minimize intrusion into the root zone.

8 MEMBER ETHERLY: Okay. Okay. So it sounds like
9 there -- if you get into a scenario where potentially a space or
10 two has to be dealt with because of tree impact or storm water
11 management impact, it's not necessarily the case that you might
12 have to take it away.

13 MR. LONG: Right.

14 MEMBER ETHERLY: There is a way to get -- there is
15 a way to work with that and maintain the number that the
16 applicant is looking to place there.

17 MR. LONG: That's correct.

18 MEMBER ETHERLY: Okay. Okay. Thank you.

19 Thank you, Mr. Chair. Thank you, Mr. Long.

20 CHAIRPERSON GRIFFIS: Anything else for Mr. Long,
21 Mr. Keys?

22 MR. KEYS: Yes. Mr. Long, I wanted to ensure that
23 the record is clear on your testimony regarding the legal
24 requirement under the current regulations for storm water
25 management. Could you just restate -- I think you've said it,

1 but could you restate that requirement?

2 MR. LONG: Yes. The storm water management
3 requirement is a land disturbance trigger. Any disturbance over
4 5,000 square feet of land area requires implementation of the
5 D.C. storm water management regulations. We are clearly over
6 5,000 square feet of disturbance, which now -- it's a land
7 disturbance criteria that triggers the storm water portion of it.

8 The storm water regulations require any net
9 increase in impervious area to be managed for water quantity
10 control. We are also -- we are proposing here to manage existing
11 -- reconfigured existing and the new impervious to -- to manage
12 for both water quantity and quality control. So it is -- on all
13 projects in the District you must do storm water quality control.
14 Period.

15 MR. KEYS: So do you see -- in your opinion, is
16 this proposed treatment of storm water an enhancement of local
17 circumstances?

18 MR. LONG: This is a huge betterment, in my
19 opinion, to the existing system out there. It provides
20 management for existing impervious, albeit reconfigured under the
21 new plan, as well as the new impervious area. And also, the sand
22 filters with the enlarged chambers will provide -- will peak
23 shave -- will shave the peak of the storm water runoff, so
24 there's a benefit all the way around.

25 And I think there is -- in most urban conditions,

1 if you can get the storm water underground, that's where it's
2 going. I mean, it's not -- I mean, we're surrounded on this side
3 by built storm drainage systems. So if we get it underground, we
4 have a chance to manage it.

5 MR. KEYS: Mr. Long, based on your experience in
6 the District of Columbia with projects that have parking lots,
7 outdoor parking lots, are you familiar with the requirements, the
8 green space requirements, and the method for calculating those
9 requirements --

10 MR. LONG: Yes.

11 MR. KEYS: -- supplied in the District?

12 MR. LONG: Yes.

13 MR. KEYS: You heard Ms. Dickeson's testimony about
14 the methods she applied in looking at the proposed parking area
15 and how she calculated the green space. Is her methodology
16 consistent with your understanding of how the District applies
17 its regulations?

18 MR. LONG: Yes. I mean, we typically apply what's
19 called a logical extension of the curb lines to create rectangles
20 of what the parking lot would be in an idealized situation. So
21 the corners count.

22 We have not counted space between the sidewalk,
23 and, if the curb lines form a carrier deck, everything that falls
24 within that extension of the carrier deck that was landscaped is
25 the interior -- interior lot landscaping is that -- and we take

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1 lot literally, meaning the parking lot and its extension. So
2 it's a conservative estimate, what Laurie did previously.

3 COMMISSIONER MAY: So you would agree absolutely
4 with her description of the confines of this, or would you
5 interpret it differently, more generously, more -- I mean, at all
6 differently? I'll put it that way.

7 MR. LONG: No. We treat it as the logical
8 extension of the curb line. So we would not take -- if there was
9 a -- a five-foot grass strip next to a four-foot sidewalk, we
10 would not count that grass strip. That's part of the site. That
11 falls under the site -- the site landscaping or the site area.

12 So, I mean, that's -- if -- if you choose to count
13 it that way, then that's great. It's just more percentage, but
14 --

15 COMMISSIONER MAY: Is there any requirement with
16 regard to the distribution of that five percent over the entire
17 body of the parking lot?

18 MR. LONG: There's none that I know of in the D.C.
19 regulations. In the surrounding jurisdictions, it's usually one
20 space every -- one -- an island every 12 spaces is an MNCPPC
21 regulation. So you'd have a row of -- an island, a row of 12
22 cars, an island. So a case could be made that a better
23 distribution would be to put a set of islands in the middle here,
24 which, you know, that's --

25 COMMISSIONER MAY: But that's not what the District

1 requires.

2 MR. LONG: It's just a five percent interior
3 landscaping.

4 COMMISSIONER MAY: Okay. That resolves my
5 questions. Thank you for bringing that one up.

6 CHAIRPERSON GRIFFIS: Anything else, Mr. Keys?

7 MR. KEYS: That's all, Mr. Chair.

8 CHAIRPERSON GRIFFIS: Okay. Are we sticking with
9 the order, Mr. Graham? Are you first?

10 MR. GRAHAM: I think so, if that's okay.

11 CHAIRPERSON GRIFFIS: Okay.

12 MR. GRAHAM: Mr. Long, can you please tell me when
13 your firm was first retained?

14 MR. LONG: I believe we finally signed a contract
15 in February or March. We had a proposal in for a while, but it
16 wasn't authorized.

17 MR. GRAHAM: And did you do any work before April
18 2nd, the first day of the hearing?

19 MR. LONG: We -- I don't know the date. We were
20 waiting for the survey first. Actually, we were behind on the
21 survey. So I think we sent Amos, Bailey and Arnold a 70 percent
22 survey. We were still not -- did not have all of the trees. I
23 don't remember the exact date, but we sent a preliminary reading,
24 at least the --

25 MR. GRAHAM: Have you done stability testing of

1 this site?

2 MR. LONG: Stability in terms of --

3 MR. GRAHAM: Any borings?

4 MR. LONG: There has been soil borings conducted
5 for the site under Amos, Bailey and Arnold.

6 MR. GRAHAM: Have you gotten any results of that
7 yet?

8 MR. LONG: There are boring logs I've seen, yes.

9 MR. GRAHAM: If the site isn't stable, and it's
10 inclined as it is towards the street and the neighbors, what
11 could happen if you build a parking lot too close to the edge of
12 the natural incline?

13 MR. LONG: Are you asking me based upon the actual
14 soil borings, or theoretically?

15 MR. GRAHAM: Let's start with theoretically.

16 MR. LONG: Theoretically, the lot could fail, but
17 it would be a slope stability failure.

18 MR. GRAHAM: And the lot would fall toward the
19 neighborhood, right?

20 MR. LONG: The soil would rotate towards the
21 neighborhood, thus causing the lot to fail.

22 MR. GRAHAM: And that risk is enhanced if you have
23 a bigger parking lot closer to the natural incline, right?

24 MR. LONG: No, I would not say that.

25 MR. GRAHAM: Isn't that what you told the ANC

1 meeting?

2 MR. LONG: That's not what the risk would be if the
3 -- if you were to put heavily loading, if you were to park semi-
4 tractor-trailers out here, the risk would be graded, because it
5 was a load not anticipated.

6 MR. GRAHAM: Have you reviewed the borings?

7 MR. LONG: I have seen the borings, yes.

8 MR. GRAHAM: And what did you find?

9 MR. LONG: Layer cake geology, some -- I don't --
10 some different stratum of material over different stratum of
11 material, interspaced with some sand lenses.

12 MR. GRAHAM: And have you provided that material to
13 the neighborhood?

14 MR. LONG: I have not.

15 MR. GRAHAM: That's all I have.

16 CHAIRPERSON GRIFFIS: Okay.

17 MR. KOGAN: Mr. Chairman, we have several questions
18 for the witness, and Commissioner Wiss has all of those
19 questions. I think it would be more efficient for her to present
20 them.

21 CHAIRPERSON GRIFFIS: Yes. You don't need to
22 introduce them. As long as one person comes up, I think that'll
23 keep it rolling.

24 MR. KOGAN: I just wanted to be clear on the
25 process.

1 CHAIRPERSON GRIFFIS: Okay. Me, too.

2 MS. WISS: I just have a couple of questions. And
3 your drawing C03 shows the proposed drainage area, I take it, in
4 gray and green, is that correct?

5 MR. LONG: The proposed drainage divide is -- is
6 the heavy line.

7 MS. WISS: Okay. The purple line?

8 MR. LONG: Yes.

9 MS. WISS: Okay. Now, outside that line there is,
10 say, about 90 feet of driveway?

11 MR. LONG: That's correct.

12 MS. WISS: And is this driveway slanted toward 37th
13 Street?

14 MR. LONG: Yes, it is.

15 MS. WISS: And are you familiar with a sort of
16 sheeting action that happens during rain along 37th Street
17 towards the northeast?

18 MR. LONG: Yes, I am.

19 MS. WISS: And will this change this problem at
20 all, what you're planning on doing here?

21 MR. LONG: May I explain what the problem is?

22 MS. WISS: You may.

23 MR. LONG: If you go to C02, there is a concrete
24 flume which is purple at the bottom of the page, which comes from
25 offsite the property. The original construction set an inlet

1 there, which has a hole in the back of it, which conveys that
2 water into the system.

3 That water -- there is about a half acre from the
4 -- as shown on the original construction plans that comes off the
5 site, probably at some point it overinundates that inlet. There
6 is -- I can't -- there is no history of the development of what
7 has taken place there.

8 But The Home has actually conveyed that water via
9 -- there is actually two separate drainage systems on The Home's
10 site. The one we've been discussing has been a separate and
11 distinct drainage system from the problem that you've discussed.

12 This is actually a different watershed that's -- that's conveyed
13 that -- where the water is conveyed here.

14 Under the proposed conditions, we actually take
15 some of the drainage area out of this watershed where the problem
16 is. But --

17 MS. WISS: In other words, you -- are you
18 collecting it in the sand filters?

19 MR. LONG: Yes. We're removing curbs from that
20 edge, so by default the water will now flow into -- there's a
21 diversion of one small -- from one watershed to the other
22 watershed. We didn't run calculations or tabulations on that,
23 because the main body of the work was in what we've studied to
24 date.

25 MS. WISS: Now, when you were talking about the

1 sand filters, you mentioned quality and quantity control with
2 infiltration. I don't know if I got that right. Is that
3 correct? There's some infiltration?

4 MR. LONG: No, there's no -- the sand filter is a
5 filtering device. So there is no recharge of groundwater. It's
6 simply a mechanical -- it's basically a filter. It's a filter
7 bed, and the water is -- is sent through the filter bed.
8 Material is filtered -- filtered out of it, and then it's
9 discharged to the street.

10 MS. WISS: Have you done any calculations about the
11 benefits of infiltration?

12 MR. LONG: We -- in terms of infiltrating the water
13 into the existing ground?

14 MS. WISS: Yes.

15 MR. LONG: From the soil borings that -- there are
16 layers of -- there are layers of sand present in the borings, and
17 I don't have them here today, George. But from -- but it's very
18 difficult to -- those sand layers were not very thick, and they
19 were underlain by other more pervious material.

20 So the -- while infiltration is a viable
21 alternative on many projects, the fact that there's a hard pan
22 below it is just going to cause that water to come out of the
23 ground. So infiltration will only get us one part of the
24 equation in terms of providing storm water for the site quality
25 control. It doesn't get the quantity control.

1 MS. WISS: Thank you. And what types of pollutants
2 does the sand filter, and what types does it not filter out?

3 CHAIRPERSON GRIFFIS: That goes a little beyond our
4 zoning issues, does it not? Unless you can point us to the
5 direction of how it might impact us.

6 MS. WISS: Well, the reason is that in the Office
7 of Planning report there was a recommendation for a bioretention
8 facility, and plants take out different pollutants than sand
9 will.

10 CHAIRPERSON GRIFFIS: Right.

11 MS. WISS: And so I wanted to get toward that,
12 because a bioretention facility would require a different
13 configuration of the parking lot than what's been presented.

14 CHAIRPERSON GRIFFIS: Indeed. Well, and that goes
15 -- and that's an excellent question, and I think we asked Mr.
16 Long, but let's -- let's restate it. One of the alternatives in
17 that -- you did say bioretention. And at this point, you are
18 proposing that it is just the sand filtration, and that, for
19 whatever reason, it's decided that bioretention is not being
20 pursued. Is that correct?

21 MR. LONG: That's correct.

22 CHAIRPERSON GRIFFIS: Okay.

23 MR. LONG: Sand filters and bioretention areas are
24 equal water quality control measures under EHA, Environmental
25 Health Administration.

1 CHAIRPERSON GRIFFIS: But they're not equal in
2 quantity control.

3 MR. LONG: They are not equal in quantity control.

4 CHAIRPERSON GRIFFIS: Okay.

5 MR. LONG: So --

6 CHAIRPERSON GRIFFIS: So, therefore, the
7 bioretention would -- your testimony is it, in fact, would not --
8 it would not satisfy the entire amount of storm water management
9 needed on this site, is that correct?

10 MR. LONG: That's correct.

11 CHAIRPERSON GRIFFIS: Okay. So it may not -- it's
12 not a realistic opportunity to use here.

13 MR. LONG: Given the goals of this project, no.

14 CHAIRPERSON GRIFFIS: Okay.

15 MS. WISS: This is my final question. This is from
16 Title XI, DCMR Chapter 23 -- that's the zoning code -- Section
17 2303.1(a)(f). It says in part, "Landscaping with trees and
18 shrubs shall cover a minimum of five percent of the total area of
19 the parking lot, or an area as determined by the Board of Zoning
20 Adjustment for a parking lot otherwise requiring Board approval."

21 So, in fact, this Board would not have to just
22 follow the standard that you outlined in interior landscaping of
23 the parking lot. But it could then choose something that is not
24 standard, because it felt that was a better solution to the
25 parking problem here, the parking lot design here.

1 CHAIRPERSON GRIFFIS: You're asking Mr. Long if
2 that's a correct interpretation of the zoning?

3 MS. WISS: Well, he had told us there was a
4 standard --

5 CHAIRPERSON GRIFFIS: That's what you're asking,
6 right?

7 MS. WISS: -- and so I'm saying, could this
8 alternative also be a correct interpretation?

9 MR. LONG: If five percent is the minimum, yes.
10 Could we exceed the minimum? Yes.

11 MS. WISS: But could we also -- I guess, actually,
12 I didn't fully understand your discussion about the carrier and
13 what was interior and what wasn't. But, let's say, one could
14 decide that one needed to extend the islands in some way, that
15 that would not fly in the face of the zoning regulations.

16 CHAIRPERSON GRIFFIS: Well, you're asking him to
17 interpret the zoning regulations, and he's not an expert witness
18 on zoning. You can ask him I think more directly, in calculating
19 the five percent, in the discretion of the Board, could those
20 islands be manipulated? It seems to be a self-answering
21 question, though.

22 Mr. Long, would you agree that this Board has
23 jurisdiction to manipulate the green space within the five
24 percent or less than or more than?

25 MR. LONG: Yes.

1 CHAIRPERSON GRIFFIS: Okay. Anything else?

2 MS. WISS: That's all.

3 CHAIRPERSON GRIFFIS: Okay. Any redirect, Mr.
4 Keys?

5 MR. KEYS: Yes, Mr. Chair.

6 Mr. Long, are there other reasons why bioretention
7 would not be appropriate as a solution for this particular site?

8 And I would ask you to make reference to the topographical
9 features of the site.

10 MR. LONG: Bioretention has been force-fit into
11 many projects that we've -- that we've -- or been attempted to
12 force-fit. If you were to put -- attempt to put a bioretention
13 area in the center of this lot, it's going to consume a very
14 large land area in terms of -- which is contrary to the goals of
15 getting more parking here.

16 It also -- on a lot that slopes from -- from
17 southwest to northeast, it's actually -- if you were to say,
18 okay, we're going to pull the lot lines in and put bioretention
19 on the northeast corner somewhere, you would have to build a
20 large berm around two sides of this to capture that area in the
21 bioretention area.

22 There are very sometimes -- degrading required to
23 force-fit these bioretention areas in. If they are not interior
24 to the lot, if they're put outside the lot, it is very, very
25 detrimental. And I know we've -- we've on some projects been

1 directed to grade in some meteor craters, and they look like
2 meteor craters. So -- because they're -- you're forcing in
3 grading that doesn't match what's out there.

4 So it's just not a -- bioretention areas, although
5 very useful and we're using them on many projects, are not a
6 panacea for everything.

7 CHAIRPERSON GRIFFIS: So on a more pedestrian
8 level, what you're saying is based on the grading and the
9 topography that's actually existing on this site, in order to do
10 surface ponds that are the bioretention of the water management,
11 you may end up having to regrade this not to look like what it
12 does now?

13 MR. LONG: That's correct.

14 CHAIRPERSON GRIFFIS: Okay.

15 MR. KEYS: Mr. Long, is it your professional
16 conclusion that the sand filter approach to storm water
17 management is the appropriate approach for this site?

18 MR. LONG: Yes.

19 MR. KEYS: Thank you.

20 CHAIRPERSON GRIFFIS: Good. Thank you very much,
21 Mr. Long.

22 I think we're ready to proceed.

23 MR. KEYS: I'd like to ask Ms. Tien, our landscape
24 architect, whom the Board was introduced to at the prior hearing,
25 and I think has accepted her credentials as qualifying her as an

1 expert. I'm going to ask her to quickly address some of the
2 landscape issues that have been raised in this proceeding.

3 CHAIRPERSON GRIFFIS: Yes. And also, Mr. Keys, let
4 me also outline what I think is going to be of utmost importance
5 in addition to some of the -- and utilization of time would be
6 important, and that would be any studies or anticipation of
7 studies for construction on tree preservation surveys, in terms
8 of drift beds and roots, and how those are going to be protected,
9 or not protected as it will, for the construction.

10 What else? I think it's important if we can give
11 some direction on specific items that we may want to look at
12 here. Anything else?

13 MEMBER ETHERLY: Are you speaking generally about
14 the landscaping issue, or are you talking more broadly?

15 CHAIRPERSON GRIFFIS: No, specifically the
16 landscaping. Right now we'll start the testimony. Do you want
17 counts of trees?

18 MEMBER ETHERLY: Do we have -- and perhaps Ms. Tien
19 is going to get into this. Do we have an indication as to what
20 landscaping, if any, is going on top of the berm at that
21 northeast corner?

22 CHAIRPERSON GRIFFIS: Right. Okay. Good. The
23 point being, also -- and it looks like it's coming up in terms of
24 the graphics, we're going to look at the existing landscaping,
25 and then impact of that, and then proposed -- so, with that, we

1 will turn it over to you.

2 MS. TIEN: Yes. My name is Liling Tien. I'm the
3 landscape architect for this project. I'm with PELA Design,
4 Inc., located in Baltimore, Maryland. The address is 212
5 Washington Avenue. Zip code is 21204.

6 When I began this job, The Home gave me basically
7 three goals. One is, how can we maintain the park-like setting
8 of this area? Mainly, the area along Upton Street and 37th
9 Street. Secondly, they asked me, can we -- for those trees
10 that's going to be impacted by the new parking lot, can we
11 transplant them? And, thirdly, the general enhancement of the
12 ground, of this -- along the vicinity of the parking lot.

13 So in order to do this, we first conduct like a
14 tree impact study, and then we cut cross-sections and come up
15 with a very general concept -- landscape plan and cut another
16 cross-section to see the impact and see how we can achieve those
17 goals.

18 Can you see?

19 CHAIRPERSON GRIFFIS: Why don't you take a pointer
20 from -- there it is.

21 MS. TIEN: The plan on my right is a tree impact
22 study. The blue trees are the trees to be saved -- will be
23 saved. The green trees are the trees going to be -- we recommend
24 -- our forester recommends to be transplanted. And the purple
25 trees are those trees going to be removed.

1 The white areas is the existing parking lot, and
2 the light gray area is going to be the new parking lot.

3 VICE CHAIRPERSON RENSHAW: Could you give us a
4 count of those trees, blue, green, and purple?

5 MS. TIEN: Sure. We counted this -- the whole --
6 the blue trees, there will be 104 trees to be saved. The total
7 removed count will be 81, which is purple plus green. And the
8 green will be 31, and the purple will be 51.

9 What we also do is to project the critical root
10 zone for those mature trees along the berm. And the -- as you
11 can see, these circles are indicating the critical root zone for
12 each mature tree. The closest we get is this one, which is a 40-
13 inch diameter tree. It's a poplar. There are critical root
14 zones right along the edge of the proposed parking lot.

15 So, basically, we -- this parking lot construction
16 will not impact those mature trees. That's our conclusion.

17 MEMBER ZAIDAIN: Excuse me. I don't mean to
18 interrupt, but just before you go on.

19 MS. TIEN: Sure.

20 MEMBER ZAIDAIN: You talked -- the green trees are
21 going to be transplanted. Does that mean -- that's including
22 plants that are going to be kind of, you know, transplanted
23 within the site? You're not bringing in anything --

24 MS. TIEN: Within the site, yes.

25 MEMBER ZAIDAIN: Okay. You're not bringing in any

1 new plants from offsite?

2 MS. TIEN: Can be used for the additional
3 landscaping along the -- you know, along this berm.

4 MEMBER ZAIDAIN: Okay. But as far as the green
5 ones go, those are transplanted within the site.

6 MS. TIEN: Yes.

7 MEMBER ZAIDAIN: Like from --

8 MS. TIEN: Right.

9 MEMBER ZAIDAIN: -- from purple to green,
10 essentially.

11 MS. TIEN: Right.

12 MEMBER ZAIDAIN: Okay.

13 MS. TIEN: The purple tree we -- there are some
14 trees, such as Armstrong maples that theoretically --
15 technically, you can transplant them. But it's probably very
16 costly. But if we can find a place that can transplant it right
17 away, maybe offsite, then The Home will do that.

18 MEMBER ZAIDAIN: Okay.

19 MS. TIEN: Because of the construction we -- we had
20 to dig up the tree and then had to treat them, feed them, you
21 know, shelter them, and sometimes it can cause, you know,
22 tremendous amount -- tremendous amount of stress on the trees,
23 and it may not be cost effective to transplant them.

24 MEMBER ZAIDAIN: Okay.

25 MS. TIEN: That's my -- our forester's

1 recommendation.

2 VICE CHAIRPERSON RENSHAW: Of the purple trees, how
3 many of those purple trees are evergreen?

4 MS. TIEN: About 25 of them. And they are in poor
5 health, basically. They are eastern white pine and hemlock.

6 Are there any other questions?

7 VICE CHAIRPERSON RENSHAW: And of the trees being
8 saved -- let's see, we have three categories. In the blue, how
9 many are evergreens?

10 MS. TIEN: In the blue, let me see --

11 VICE CHAIRPERSON RENSHAW: You said about 100
12 trees.

13 MS. TIEN: I don't have the exact count, but we --
14 these few evergreen trees, they are crucial for the screening.
15 They are all going to be saved, along 34th Street.

16 VICE CHAIRPERSON RENSHAW: All right. And any
17 evergreens being transplanted?

18 MS. TIEN: No. The evergreen trees which is
19 colored in purple, they are in poor health.

20 VICE CHAIRPERSON RENSHAW: And of the -- you said
21 51 trees are in purple --

22 MS. TIEN: Yes.

23 VICE CHAIRPERSON RENSHAW: -- 25 of the 51 are
24 evergreens in poor health, and what are the rest?

25 MS. TIEN: And the -- in terms of species?

1 VICE CHAIRPERSON RENSHAW: Species and in health
2 and in size.

3 MS. TIEN: Okay. We have a list. There are
4 Armstrong maples. I don't have the total count, but I can -- for
5 the information. Armstrong maples generally are eight inches in
6 diameter, which is DBH. The --

7 VICE CHAIRPERSON RENSHAW: Well, I think if you can
8 forward the list, that would be what we would need.

9 MS. TIEN: Yes. Because it's quite cumbersome.
10 There are quite a few species.

11 VICE CHAIRPERSON RENSHAW: All right. Thank you
12 for providing that to the Board.

13 MS. TIEN: Sure.

14 So in order to achieve the goals The Home had given
15 us, we have come up with a very conceptual plan to protect the
16 perimeter area to screen the parking lot and to beautify the
17 setting and to maintain the park-like setting.

18 The general concept is we will -- we are not going
19 to -- knowing that the parking lot is not the most attractive
20 facility, but we are not really going to put up a green wall
21 around it, there will be -- in this plan, we propose 45 new
22 trees, 131 shrubs and evergreen trees.

23 Basically, we have a parking lot edge that has
24 evergreen shrubs, a mixture of evergreen shrubs, flowering
25 shrubs, major deciduous trees, and flowering trees. So it will

1 be more of a natural setting. Sometimes it will provide seasonal
2 colors. It's not a solid green wall.

3 Let's take a look at the cross-section we cut here,
4 starting with the A. This is the existing parking lot, looking
5 that way, looking south. And this will be the proposed parking
6 lot addition. So we are still -- if -- we are still pretty much
7 screened by the existing vegetation in that area, but we can --
8 cutting sections is kind of difficult. It's very specific.

9 And, actually, when you are there looking at things
10 in 3-D, there are a lot more screening than when you just cut
11 sections. So by -- in order to ensure the screening, we add
12 additional low shrubs along this area.

13 And Section B, we -- under the existing condition,
14 we also dashed in what the future parking lot will be. So as you
15 can tell, there will be a wall along here, and the cars really
16 hidden by this berm still, even with the parking addition.
17 Obviously, we can also add some flowering shrubs to beautify the
18 setting.

19 VICE CHAIRPERSON RENSHAW: Does that mean you are
20 recommending that? You say you can put in. Does it mean that
21 it's going to happen?

22 MS. TIEN: It's going to happen when we -- working
23 on the construction drawings. We're going to look at very site-
24 specific needs to put in whether it's the lower shrubs, whether
25 it was the tall shrubs, what is the evergreen trees. But in

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1 general concept, we wish we can -- we have -- if we have space,
2 we can put flowering shrubs. If we have a gap, maybe want to put
3 taller evergreen shrubs to serve the screening purpose.

4 If we already have the evergreen trees there and we
5 have space, maybe we'll plant flowering shrubs for beautification
6 purposes.

7 MEMBER ZAIDAIN: So the bottom two of the cross-
8 sections, the bottom two in the columns, that's your goal, what
9 you're kind of aiming for.

10 MS. TIEN: Yes. And this one -- even without it,
11 you know, it's really -- cars really hide behind the berm.

12 MEMBER ZAIDAIN: Okay.

13 MS. TIEN: Which is around this area.

14 MEMBER ZAIDAIN: So just -- so I guess one way to
15 summarize is to say the second ones are what you know you can do,
16 and the third ones are what you are going to try to do.

17 MS. TIEN: Right.

18 MEMBER ZAIDAIN: Okay.

19 MR. KEYS: Ms. Tien, could you just speak a moment
20 to the considerations of security that might influence the
21 landscaping on this site?

22 MS. TIEN: Yes. Security is always a concern, and
23 for almost every landscape design, parking design, we would not
24 put the -- the vegetation so dense, so high, that people are
25 afraid to be there, to be in the parking lot. So there will be

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1 some additional site-specific studies in the design process, but
2 our general concept is this.

3 VICE CHAIRPERSON RENSHAW: Have you done any cross-
4 sections from the 37th Street side and from the Upton Street
5 residential side --

6 MS. TIEN: Yes.

7 VICE CHAIRPERSON RENSHAW: -- looking into the lot
8 as far as what can be seen from the porches?

9 MS. TIEN: We thought about that, yes. We haven't,
10 because the topographic information is not -- we don't have that.

11 What we might do, when we prepare the construction document
12 we're going to look at very site-specific, maybe eyeball it, to
13 ensure that the adjacent neighborhood will not have the adverse
14 impact to their -- you know, to their property.

15 And by having the flowering trees and major
16 deciduous trees, especially the mature ones, really would help
17 the -- would help the resident looking down at the parking lot
18 from the second floor window, for instance.

19 So there are kind of two -- kind of multi-layer of
20 screening. At your street level, maybe low shrub would do it, or
21 maybe the berm would do it. But on the upstairs windows, you
22 need a tree crown to -- to screen it.

23 And for Section C, this is actually cutting along
24 this -- this line. We -- this dashed line is going to be the --
25 is the proposed parking -- proposed parking on the existing

1 condition. But if you look at the proposed -- our proposed
2 parking lot is actually lower than the -- than the berm that is
3 not going to be impacted.

4 So the parking lot actually sits lower, which is --
5 you know, is better news for us, that we know that the impact of
6 the parking lot will not be -- will not have adverse impact on
7 it.

8 And for the Section D, it is along this line. As
9 Mr. Long has mentioned, this corner will be -- we really have to
10 determine later on how -- as to what extent the parking lot will
11 be located. In this case, I already took two spaces, just to
12 create a better setting for the cupola.

13 So that's essentially our approach and general
14 concept and analysis and considerations.

15 VICE CHAIRPERSON RENSHAW: So with your removal of
16 two spaces, it brings the lot count down to what?

17 MS. TIEN: 171.

18 VICE CHAIRPERSON RENSHAW: You had mentioned that
19 31 trees are going to be transplanted. That's the proposal.
20 What's the success rate of those trees living? In other words,
21 or is there a percentage that are going to die off because they
22 really won't take to a new setting?

23 MS. TIEN: I don't have any scientific data, and it
24 is a very, very tricky question. It's -- if you ask anybody,
25 nobody really, really knows. There are several factors that

1 determine the successful rate. One is the health of the existing
2 vegetation, and, secondly, is how are you going to take care of
3 it, you know, during the construction.

4 So for those trees, we would like to maintain
5 especially those crepe myrtles, which is right around this area.

6 That's really the main -- the few trees that we really, really
7 want to save.

8 VICE CHAIRPERSON RENSHAW: Whereabouts are those?

9 MS. TIEN: It's the cupola.

10 CHAIRPERSON GRIFFIS: You need to pick that up.

11 MS. TIEN: Oh, I'm sorry.

12 VICE CHAIRPERSON RENSHAW: It's right up there in
13 your top -- in the upper -- the cupola is right up in there?

14 MS. TIEN: Yes, right. Right. Right.

15 VICE CHAIRPERSON RENSHAW: And since you brought up
16 the -- it's how you take care of the trees that is -- are
17 important, those being transplanted. What overall will be the
18 maintenance and the guarantee? In other words, do all of these
19 new trees and transplanted trees come along with a maintenance
20 contract and a guarantee?

21 MS. TIEN: Right. With a warranty. It has to be
22 with a warranty. We will have to put it into the specification.
23 That's why they have --

24 VICE CHAIRPERSON RENSHAW: Is the warranty for five
25 years? Ten years?

1 MS. TIEN: For a new tree, normally it's a year or
2 two.

3 VICE CHAIRPERSON RENSHAW: But is that long enough
4 for a tree to take hold?

5 MS. TIEN: That's very common practice. That's
6 generally what we -- the warranty is one year or two years.

7 CHAIRPERSON GRIFFIS: Do you control the
8 warranties?

9 VICE CHAIRPERSON RENSHAW: Who does, the supplier?

10 MS. TIEN: In what way?

11 CHAIRPERSON GRIFFIS: Well, just for clarification,
12 when you say that it would be in the specification, it means
13 you're the designer, you'll write the specifications, and,
14 actually, a subcontractor will purchase the tree and offer the
15 warranty on that. Is that correct?

16 MS. TIEN: Right.

17 CHAIRPERSON GRIFFIS: Okay. And so when you say
18 that it's common practice for a one- or two-year warranty, that's
19 common practice from the supplier of the tree to warranty it.
20 You don't have any -- can you regulate that warranty? Can you --
21 do you have any flexibility in getting higher warranties on those
22 trees?

23 MS. TIEN: Higher warranty meaning higher price.
24 Normally, that's the case.

25 CHAIRPERSON GRIFFIS: I see. Okay. So the more

1 you pay, the more years they will warranty it for.

2 MS. TIEN: Right.

3 CHAIRPERSON GRIFFIS: Seems to be fairly
4 symmetrical.

5 VICE CHAIRPERSON RENSHAW: Can you warranty these
6 trees insofar as if they do not live and have to be replaced,
7 that the --

8 MS. TIEN: Yes, that's part of the --

9 VICE CHAIRPERSON RENSHAW: -- trunk and the root
10 system is dug out rather than slicing these dead trees off at the
11 trunk level?

12 MS. TIEN: Yes, you have to be -- yes, they had to
13 be nursery grown, and sometimes we -- the -- in the plan
14 schedule, where we specify the tree, we'll specify the root ball
15 size. We don't use the -- you know, for this type of setting, we
16 don't use bare roots material.

17 VICE CHAIRPERSON RENSHAW: But can it be specified
18 in the contract that if those trees do not live and have to be
19 replaced, that the landscaping company doesn't come in and just
20 slice these trees off and plant a new one in a slightly different
21 location? That they, instead, dig up what is dead and plant
22 anew.

23 MS. TIEN: That will be in our specification.

24 VICE CHAIRPERSON RENSHAW: That would be in your
25 specification.

1 MS. TIEN: Yes.

2 VICE CHAIRPERSON RENSHAW: Thank you.

3 CHAIRPERSON GRIFFIS: Anything else?

4 COMMISSIONER MAY: I have a question.

5 CHAIRPERSON GRIFFIS: Yes.

6 COMMISSIONER MAY: The trees that are being moved,
7 generally speaking, how large are they? What caliper?

8 MS. TIEN: Those are, let me see, 15 feet height,
9 probably about --

10 COMMISSIONER MAY: So they are -- these are tree
11 spade moves, moving the trees is not going to be --

12 MS. TIEN: Not as significant like if you were
13 moving a truly mature tree.

14 COMMISSIONER MAY: Right. Okay.

15 MS. TIEN: Okay. Thank you.

16 CHAIRPERSON GRIFFIS: Thank you.

17 MR. KEYS: Ms. Tien, I've got one more request of
18 you. I just want to make sure that the record is clear. You're
19 proposing in this plan to remove 51 trees and shrubs from the
20 site.

21 MS. TIEN: 51 trees.

22 MR. KEYS: Yes.

23 MS. TIEN: Shrubs are not included.

24 MR. KEYS: Now, how many trees are you bringing in,
25 new trees, to the site?

1 MS. TIEN: 45 trees, according to this plan.

2 MR. KEYS: And how many new shrubs, according to
3 that plan?

4 MS. TIEN: 130.

5 MR. KEYS: Thank you.

6 VICE CHAIRPERSON RENSHAW: How many shrubs are
7 going to be removed?

8 MS. TIEN: We did not make the count. It's so
9 many. It's so many in terms of the -- for instance, the dahlia,
10 they are not very healthy, but there are so many, we just -- we
11 just couldn't count everything.

12 VICE CHAIRPERSON RENSHAW: Is it over the 130 that
13 will be --

14 MS. TIEN: New.

15 VICE CHAIRPERSON RENSHAW: -- new?

16 MS. TIEN: New.

17 VICE CHAIRPERSON RENSHAW: Planted?

18 MS. TIEN: Yes.

19 VICE CHAIRPERSON RENSHAW: So you're removing more
20 than you are planting.

21 MS. TIEN: Definitely.

22 MR. KEYS: I'm not sure that question was
23 understood, and I'd like, Ms. Renshaw, if you could, to repeat
24 it, because I'm not sure Ms. Tien --

25 VICE CHAIRPERSON RENSHAW: Yes, I --

1 CHAIRPERSON GRIFFIS: Are these new or old?

2 VICE CHAIRPERSON RENSHAW: Very good.

3 MR. KEYS: Yes. I mean, Ms. Tien, you testified
4 that you don't -- there are so many of the shrubs that are being
5 removed that you didn't count them individually.

6 MS. TIEN: No. But it would not be more than 100.

7 CHAIRPERSON GRIFFIS: Okay.

8 MR. KEYS: All right. So, then, you're replacing
9 more shrubs, in your estimation, than you are removing.

10 MS. TIEN: Right.

11 VICE CHAIRPERSON RENSHAW: That's the opposite of
12 what you said before.

13 CHAIRPERSON GRIFFIS: So we'll recalibrate that.
14 The new shrubs went. There are more --

15 VICE CHAIRPERSON RENSHAW: More new shrubs --

16 MS. TIEN: Yes.

17 VICE CHAIRPERSON RENSHAW: -- than old shrubs that
18 are removed.

19 MS. TIEN: Right.

20 VICE CHAIRPERSON RENSHAW: All right. Okay.

21 CHAIRPERSON GRIFFIS: Good.

22 Anything else, Mr. Keys?

23 MR. KEYS: That's all from this witness.

24 CHAIRPERSON GRIFFIS: Good. Thank you very much.

25 Oh. And, of course, we would have these submitted

1 into the record.

2 Then, let us move to, Mr. Graham, your questions?

3 MR. GRAHAM: Will the new shrubs and trees be more
4 mature or less mature than the ones that are being taken out?

5 MS. TIEN: They'll be less mature.

6 MR. GRAHAM: I gather from the way in which you
7 made your presentation there is still a lot of work that you
8 would have to do before the neighborhood would really know
9 exactly what the lot would look like after the relandscaping, is
10 that correct?

11 MS. TIEN: Well, this is a part of the design
12 process. First, you do the analysis. Then, you do your concept.
13 We are in the concept planning -- concept design phase.

14 MR. GRAHAM: Nothing further.

15 CHAIRPERSON GRIFFIS: Does the ANC have any cross
16 examination?

17 MS. WISS: Hi. This is Cathy Wiss.

18 How did you determine the critical root zones of
19 those trees that are in blue?

20 MS. TIEN: Critical root zone, by definition, is
21 one foot of diameter of the area per one inch diameter of the
22 trees, caliper at the breast height.

23 I have one thing to add. Any tree that is more
24 than 30 inches DBH, the critical root zone will be 1.5 foot
25 diameter per one inch of DBH.

1 MS. WISS: Thank you. And the circles that you've
2 drawn on the -- I have here a tree impact study. Yes, the tree
3 impact study. Do they correspond to that calculation?

4 MS. TIEN: Yes.

5 MS. WISS: So that you think that this circle
6 around this poplar that's 40 inches is 40 feet from that tree?
7 Or, no, actually, if it's a 40-inch tree, it should be 60 feet
8 from that tree?

9 MS. TIEN: No, it should be 60 feet in diameter.
10 Therefore, it's 30 feet from the center of the trunk to the edge
11 of the critical root zone.

12 MS. WISS: So, in fact, you are using the diameter
13 of the whole tree and not the radius.

14 MS. TIEN: Yes, that's by definition. Yes.

15 MS. WISS: Now, this is a question I asked of Ms.
16 Dickeson before, and they said that I should ask it of you. When
17 construction is done, such as the retaining wall that will be
18 going around the entire parking lot and the parking lot itself,
19 how much beyond that wall or the perimeter of the parking lot
20 would there be construction activity?

21 MS. TIEN: We would probably also have to
22 coordinate with the civil engineer. That has something to do
23 with the grading. But, generally, I think you are geared toward
24 protection of the trees. Even though the -- in D.C. we don't
25 have the -- as far as I know, there is no tree bill adopted yet.

1 In the State of Maryland, generally, we will put tree protection
2 fence when there is construction activity along the critical root
3 zone.

4 MS. WISS: I guess what I was getting at is, where
5 do you put the fence?

6 MS. TIEN: No closer than the critical root zone,
7 and to the extent of the grading activity is going to be.

8 MS. WISS: So let's take this poplar that says it's
9 40 inches with a circle around it that comes to the edge of the
10 parking lot. The fence would be put on that dotted line. And
11 how would they build the retaining wall?

12 MS. TIEN: Okay. I --

13 CHAIRPERSON GRIFFIS: I think you can answer the
14 first part, but probably not the second.

15 MS. TIEN: Hmm?

16 CHAIRPERSON GRIFFIS: You can answer the first part
17 where the fence is going. I don't think you can answer the
18 question of how will they build the wall.

19 MS. TIEN: Right. Thank you.

20 CHAIRPERSON GRIFFIS: Unless you want to rephrase
21 your question in terms of how -- what is conceivably the way to
22 -- to safeguard the root system --

23 MS. WISS: How could you -- yes.

24 CHAIRPERSON GRIFFIS: -- during the construction of
25 wall.

1 MS. TIEN: In general practice in forestry, the
2 critical root zone cannot be disturbed more than 30 percent. So,
3 therefore, you -- if we do that math, we can put the tree
4 protection fence about 10 feet away from the critical root zone,
5 which I think should be sufficient for the construction.

6 MS. WISS: Do you mean 10 feet away from it, toward
7 the inside of the parking lot, or 10 feet toward the center of
8 the tree?

9 MS. TIEN: The center of the tree.

10 MS. WISS: Now, the heights of the various trees
11 that you are planning to plant, are they all about the same? Or
12 do they tend to be short?

13 MS. TIEN: Since they are so -- there are going to
14 be so many different species, we -- and also, it depends on the
15 budget. The tree size will be specified accordingly.

16 MS. WISS: Will you avoid the critical root zones
17 of the very large trees when you plant these things, these new
18 ones?

19 MS. TIEN: We just have to be careful with that.

20 MS. WISS: Thank you.

21 CHAIRPERSON GRIFFIS: Ms. Tien, a followup question
22 on that. Would it be part of any construction process for you
23 to, if so engaged, to actually do the physical survey of the root
24 system on each of the specific trees?

25 MS. TIEN: That would be a very, very, hard task.

1 But what we can -- what I would suggest to do is when doing the
2 -- when moving the earth work, I will have my forester out there
3 supervising the construction activity. He will know what roots
4 should not be cut and what roots should be.

5 CHAIRPERSON GRIFFIS: Indeed. So that -- and
6 that's where I'm going with that, in terms of looking at the
7 specific condition. It may, in fact -- well, there may be roots
8 that would not need to be cut, and then the footing of that wall
9 may need to be adjusted accordingly.

10 MS. TIEN: Right.

11 CHAIRPERSON GRIFFIS: That's something that you've
12 been in the process before of --

13 MS. TIEN: Right.

14 CHAIRPERSON GRIFFIS: Okay.

15 MS. TIEN: And also, most of the root zones are
16 within a foot and a half, two feet. Most of the root systems are
17 there. And the retaining wall actually goes down further.

18 CHAIRPERSON GRIFFIS: Right.

19 MS. TIEN: Yes. More like three feet.

20 CHAIRPERSON GRIFFIS: I see. I see. Okay.

21 VICE CHAIRPERSON RENSHAW: Ms. Tien, you said that
22 it depends on the budget for the tree size. At what point is
23 that determined? In other words, at what point does the
24 community know exactly the size of the tree? Mr. Keys?

25 CHAIRPERSON GRIFFIS: That may also depend on us,

1 huh?

2 VICE CHAIRPERSON RENSHAW: Yes. But should this go
3 forward.

4 MR. KEYS: I think that's probably something that
5 another witness would be better positioned to comment on, in
6 terms of the construction budget and the project budget.

7 VICE CHAIRPERSON RENSHAW: Who would that be?

8 MR. KEYS: John Armentrout.

9 CHAIRPERSON GRIFFIS: Okay. Any redirect?

10 MR. KEYS: No redirect.

11 CHAIRPERSON GRIFFIS: I think we're done. Are we
12 done? Good. Thank you very much.

13 MS. TIEN: Thank you.

14 MR. KEYS: I think while the issue of construction
15 is still fresh, it might be useful to have Mr. Armentrout come
16 forward.

17 John, would you please introduce yourself, and
18 explain your connection with the project. And I'd like you to
19 address two things -- one, how the construction budget and the
20 project budget will work in relation to landscape issues. And,
21 secondly, I'd like you to describe briefly and quickly the
22 construction process, the scheduling, and the efforts we're going
23 to undertake to reduce construction-related impacts.

24 MR. ARMENTROUT: My name is John Armentrout. My
25 address is 15430 Berryville Road, Darnestown, Maryland. I am a

1 construction manager. I have been in the construction business
2 in the metropolitan area since 1960.

3 I've done many projects in the area, and most of
4 these projects have been projects that are unusual. I've never
5 built two products alike, so -- and I'm accustomed to working in
6 close quarters and unusual circumstances where it's -- the jobs
7 are very difficult.

8 I've been employed by The Washington Home for about
9 18 months and helping them with another project, an interior
10 project that they needed some assistance with, and getting the
11 contractors to finish the job, and sorting out the bills, and
12 things of that nature.

13 And my role on this job would be to -- to supervise
14 the job, to attend and represent The Washington Home in job site
15 meetings, approving bills, seeing that the quantity -- the
16 quality is kept up, and that the plans and specifications are
17 adhered to.

18 We have -- the project schedule we want to condense
19 as much as we can, so we have minimum disturbance not only to The
20 Washington Home and their operation but to the neighborhood.

21 CHAIRPERSON GRIFFIS: What's the projected time
22 right now?

23 MR. ARMENTROUT: I project -- and these are all --
24 because we don't have any -- we don't have completed plans, and
25 we don't have any contractor input, so you have -- this is my

1 project. I project the entire job could be done over a six-month
2 period.

3 That -- having said that, I would say there is some
4 reservation if the job is completed, when it's not the planning
5 time for the shrubbery and the landscaping and the trees, then we
6 would wait until the appropriate time. But we could do the job
7 easily in six months.

8 I also think that once I get the final plans for
9 the parking lot and know the degree of site work that has to be
10 done, I predict that the parking lot can be done in two to three
11 months. The hospice addition in the parking lot can run
12 concurrently, or they can be done as separate projects.

13 The -- and if we started -- if we got a permit in
14 September of this year, for example, we would be finished
15 sometime in the spring, March/April, is what I would project.

16 The parking lot would be done in two phases, and
17 the reason it would be done in two phases, and more if we can do
18 it that way, is that the -- we don't want to take all of the
19 parking spaces away from The Washington Home. So I am -- I hope,
20 and I am meeting with contractors -- a contractor, actually,
21 tomorrow to just -- just to discuss my ideas -- that we can keep
22 about 50 percent of the lot in service at a time.

23 CHAIRPERSON GRIFFIS: Okay.

24 MR. ARMENTROUT: Construction staging. All of the
25 construction staging would be done onsite. There would be no

1 staging on the street. For the hospice addition, you would bring
2 materials in in smaller quantities, and it is a small addition.
3 You would store them right near the site, and the parking lot
4 work would be -- you would -- it would stage right on the parking
5 lot area, in the area that you are working with the equipment.

6 We anticipate that all deliveries would be made to
7 the 37th Street entrance. It's very tight to get in the Upton
8 Street entrance with any vehicles of any size, and I don't see
9 any problem doing that at all. There would be a dumpster, and
10 there would be a storage trailer onsite.

11 Working hours, 7:00 to 3:30, 7:30 to 4:00, which is
12 standard in the District of Columbia. Obviously, construction
13 workers would like to start at 5:00 in the morning because they
14 hate the traffic and the drive and the parking situation. We
15 would park all construction vehicles onsite.

16 Saturday work would not be done, nor Sunday work.
17 Saturday work I would say I would make some exception to if --
18 when the paving process starts, and if we could get it done in
19 two days by working a Friday and Saturday and less congestion and
20 things of that nature, then I would say maybe we should look at
21 that possibility. But it's not anticipated at this point.

22 Access to the site would be from Wisconsin Avenue
23 to Van Ness to 37th, or from Wisconsin Avenue to Quebec to 37th,
24 depending on whether school is in session at Sidwell Friends I
25 think would have some impact on that. And not knowing when the

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1 job is going to start, it's hard to anticipate which one would be
2 used the most.

3 Truck traffic would be the heaviest during the
4 demolition phases and the paving phases. The Washington Home
5 would require the contractor to monitor the pedestrian sidewalks
6 when trucks are coming in and out of the -- in and out of the
7 site. And we -- we project that they are going to --
8 construction vehicles would all park onsite, and that's as far as
9 I have gone at this point in time.

10 CHAIRPERSON GRIFFIS: Have you had any preliminary
11 pricing on the project?

12 MR. ARMENTROUT: No, I have not at this point.

13 CHAIRPERSON GRIFFIS: Okay.

14 MR. ARMENTROUT: It's been my pricing at this
15 point. To answer your question about -- or the question about
16 the budget for -- for the landscape material and landscape work,
17 I had anticipated that it would probably be in the \$100,000
18 range.

19 CHAIRPERSON GRIFFIS: For the parking surface?

20 MR. ARMENTROUT: No, for the --

21 CHAIRPERSON GRIFFIS: For the landscaping.

22 MR. ARMENTROUT: Just for the planning material and
23 landscaping, yes.

24 CHAIRPERSON GRIFFIS: Okay.

25 VICE CHAIRPERSON RENSHAW: Landscaping, \$100,000.

1 MR. ARMENTROUT: That's just with the budget I have
2 put together at this point, yes.

3 VICE CHAIRPERSON RENSHAW: And that's going to buy
4 what?

5 MR. ARMENTROUT: Well, it'll buy a lot of material.
6 It'll buy a lot of material. Most of your trees, I think, would
7 be two- to four-inch caliber, most of your hardwood trees. I
8 would think your evergreens would be eight to 10 feet. This is
9 just my assumption now, so it's not -- I haven't talked to the
10 landscape architect or anyone else regarding this.

11 CHAIRPERSON GRIFFIS: And for clarification, in
12 terms of your budgeting and throwing out that number, you work
13 for the owner and represent their interests on a construction
14 budget. But you would need their affirmation of your budget, is
15 that correct?

16 MR. ARMENTROUT: I need their approval on anything
17 I do.

18 CHAIRPERSON GRIFFIS: Yes, okay.

19 MR. ARMENTROUT: And I run anything I do by them
20 before it's done.

21 VICE CHAIRPERSON RENSHAW: You had mentioned that
22 truck traffic would be heaviest during the construction phases.
23 How many round trips --

24 MR. ARMENTROUT: No, I said the truck traffic would
25 be heaviest between the paving and demolition phases. I mean,

1 tearing up the old asphalt, and so forth, you've got to get it
2 offsite. And when you're bringing new asphalt in and gravel,
3 there will be a convoy of trucks that come in and out to do that.

4 VICE CHAIRPERSON RENSHAW: How many do you
5 estimate?

6 MR. ARMENTROUT: Well, it depends on -- I'm
7 thinking in this project we're going to have to find a
8 contractor, in my view, that has a lot of single-axle dump
9 trucks. The big tandem dump trucks are going to be pretty hard
10 to get them in and out. There will be some concrete trucks that
11 will have to get in. They are pretty big.

12 But if you can find a small qualified contractor
13 with small tandem trucks, it would be a lot easier to get in and
14 out. It would be a lot easier on the traffic flow. It doesn't
15 mean the big trucks can't get in, but the small trucks would be
16 much better in my view.

17 I don't know how many, at this point in time. I
18 mean, a truck will carry 10,000 pounds, and I don't -- I haven't
19 taken off or even thought about taking off the quantities of
20 gravel and asphalt and things of that nature.

21 VICE CHAIRPERSON RENSHAW: You can't project for
22 us?

23 MR. ARMENTROUT: I could guess.

24 VICE CHAIRPERSON RENSHAW: Guess. Guess is fine
25 for now.

1 MR. ARMENTROUT: But I don't think it would make
2 any sense, and I'd rather not do that. I mean, I could tell you
3 it's going to be 100 trips -- 100 trips -- but I don't know that
4 that's accurate.

5 CHAIRPERSON GRIFFIS: Okay. And let me just make
6 sure that the Board understands. You stated that you didn't do
7 any takeoffs. And what that means is you didn't do any specific
8 analysis of the material that would need to be removed.
9 Therefore, your speculation on number of trips would be basically
10 useless to us --

11 MR. ARMENTROUT: Right.

12 CHAIRPERSON GRIFFIS: -- at this point. Only based
13 on your vast experience.

14 MR. ARMENTROUT: Yes. I don't want to mislead you,
15 and that's what I'm afraid would --

16 CHAIRPERSON GRIFFIS: Exactly.

17 MR. ARMENTROUT: -- I would do.

18 CHAIRPERSON GRIFFIS: Probably would.

19 VICE CHAIRPERSON RENSHAW: If the truck traffic is
20 between the paving and the demolition, what period of time is
21 that?

22 MR. ARMENTROUT: Well, I would think if you do the
23 parking lot in two phases, there will be a little truck traffic
24 with the hospice. But if you do the parking lot in two phases,
25 I'm thinking probably two, three days to demolish half of the

1 lot. Then, you've got to dig for the sand filters, which are
2 going to be probably six or eight or 10 truckloads of dirt to get
3 that out of there.

4 And then, when you pave, I would think half of the
5 lot could easily be -- what I would think we would do is pave --
6 do the site work, do -- base pave half of the lot. Then, you
7 would move to the other half of the lot, do the site work there,
8 base pave that, and then one day you would come back in and pave
9 the whole lot.

10 So I think you're probably looking at less than,
11 you know, three weeks of heavy truck traffic over the whole
12 period of the job.

13 MR. KEYS: Mr. Armentrout, you have described for
14 the Board a number of construction commitments that the applicant
15 is willing to make in terms of how it's going to conduct itself.

16 Have you communicated those commitments to members of the
17 community?

18 MR. ARMENTROUT: I have done that, and I have also
19 done it with The Washington Home.

20 MR. KEYS: Thank you.

21 CHAIRPERSON GRIFFIS: Anything else?

22 VICE CHAIRPERSON RENSHAW: Would you commit or
23 would you state at this time, although this is so early in the
24 process -- we are just deliberating -- that the truck traffic for
25 approximately, what is it going to be, maybe three weeks of heavy

1 truck traffic would utilize Wisconsin Avenue, would come into the
2 city via Wisconsin Avenue?

3 MR. ARMENTROUT: Yes. And that's -- we have
4 checked with the police department, and that's the way -- they
5 don't want us to use Reno Road or 34th Street.

6 VICE CHAIRPERSON RENSHAW: Or Military Road.

7 MR. ARMENTROUT: Or Military. They want us to come
8 Wisconsin Avenue.

9 VICE CHAIRPERSON RENSHAW: Thank you.

10 MR. ARMENTROUT: Now, I want you to understand,
11 too, this is not an Army convoy that's going to be there. I
12 mean, it's just normal construction traffic for a project of this
13 nature.

14 CHAIRPERSON GRIFFIS: Thank you.

15 Mr. Graham?

16 MR. GRAHAM: Mr. Armentrout, let me talk about
17 communication with the community first. When is the last time
18 you spoke with the community's representative about construction
19 matters, Mr. Curtis?

20 MR. ARMENTROUT: Last night.

21 MR. GRAHAM: And how long was your conversation
22 last night?

23 MR. ARMENTROUT: Let me think. Let me think. I'm
24 not sure whether it was last night or the night before last. It
25 was probably five minutes.

1 MR. GRAHAM: And before that, when was the last
2 time you talked with Mr. Curtis?

3 MR. ARMENTROUT: I don't remember the date, but it
4 was before the first anticipated ANC meeting, and there was
5 another gentleman before that, and then Mr. Curtis called me just
6 when you all formed your group that you have.

7 MR. GRAHAM: And at that ANC meeting, you told us
8 -- the community, did you not, that the construction staging and
9 other plans were still in process, is that correct?

10 MR. ARMENTROUT: Certainly, that's correct. We
11 don't have finished plans yet, so I'm anticipating what will be
12 the final plan.

13 MR. GRAHAM: And so, again, you still don't have
14 them today, right?

15 MR. ARMENTROUT: Not yet. There are no permit or
16 bid documents available at this point.

17 MR. GRAHAM: Okay. You are contemplating a
18 \$100,000 budget for landscaping and lighting. Is that correct?

19 MR. ARMENTROUT: No. I said landscaping. I didn't
20 include lighting in that \$100,000 budget, I don't think. And
21 maybe I have said that in the past, but I'm thinking landscaping.

22 MR. GRAHAM: Do you recall that you told Mr. Curtis
23 it was \$100,000 for the landscaping and the lighting in an e-mail
24 that you wrote him?

25 MR. ARMENTROUT: That's a good possibility. I see

1 you have that e-mail, and I don't have it in front of me.

2 CHAIRPERSON GRIFFIS: Well, the direct question is

3 --

4 MR. ARMENTROUT: But I'd like to say that was a --

5 CHAIRPERSON GRIFFIS: -- what is the \$100,000
6 estimated for?

7 MR. ARMENTROUT: I would like to say that was just
8 a general conversation.

9 CHAIRPERSON GRIFFIS: Okay. And I don't --
10 frankly, it's not important to the Board. What is important is
11 getting to the base issue. And in stating \$100,000 in a budget,
12 does that anticipate only landscaping, meaning the trees and the
13 shrubs and any other sort of growth? Or does that include also
14 the lighting and lighting fixtures?

15 MR. ARMENTROUT: I may have said that it includes
16 lighting fixtures and the lighting, but it would -- it would not
17 include the electrical work. I wouldn't have anticipated that.
18 I'm thinking more of landscape materials.

19 CHAIRPERSON GRIFFIS: Okay. It's of no concern to
20 me what you've said before. What is concerned is today and
21 present. Now, setting the situation which you've clearly said,
22 you have -- you do not have any actual budget estimating. That
23 would be done by a general contractor that actually looks at the
24 project, that looks at the specific drawings.

25 So in stating the -- let's say, the preliminary

1 budget that you have established, \$100,000 right now is
2 anticipated for landscaping. Is that correct or incorrect?

3 MR. ARMENTROUT: That's correct.

4 CHAIRPERSON GRIFFIS: Okay. Mr. Graham?

5 MR. GRAHAM: And the \$100,000 is what The Home also
6 committed in 1985, did it not, for the landscaping materials
7 alone?

8 MR. ARMENTROUT: I have only been employed by The
9 Home for about 18 months. I would have no idea what they stated.

10 MR. GRAHAM: Would you agree that \$100,000 buys a
11 lot less landscaping today than it did in 1985?

12 CHAIRPERSON GRIFFIS: I think we can answer that.
13 Next question, Mr. Graham.

14 MR. GRAHAM: In terms of traffic, can you please
15 tell the Board, what is going on on 37th Street and Upton Street
16 at 7:00 to 9:00 in the morning, and between 2:00 and 4:00 in the
17 afternoon?

18 MR. ARMENTROUT: I would like you to clarify that
19 question, if you would, please.

20 MR. GRAHAM: Is there -- are there two schools
21 directly across the street from the site that we're talking here?

22 And those two schools, if I can show on the board -- there's one
23 school here, there's another school here. Is that correct?

24 MR. ARMENTROUT: Can you give me the name of those
25 schools, please?

1 MR. GRAHAM: The Hearst School and Sidwell Friends
2 School.

3 MR. ARMENTROUT: There are two schools there, yes.

4 MR. GRAHAM: And do those two schools occasion an
5 enormous amount of traffic? In fact, a traffic jam every morning
6 and every afternoon?

7 MR. ARMENTROUT: I think that's possible, yes.

8 MR. GRAHAM: I have no further questions.

9 CHAIRPERSON GRIFFIS: Mr. Keys? Oh. Does the ANC
10 have any cross examination? Okay.

11 MR. KEYS: I have no redirect, Mr. Chair.

12 CHAIRPERSON GRIFFIS: Good. Very well. Thank you
13 very much.

14 MR. KEYS: And the last witness is Mr. McGee, and
15 he will just be on very briefly.

16 Mr. McGee, could you please state your name and
17 address for the record, and identify your association and
18 employment with The Washington Home, please.

19 MR. MCGEE: My name is Jeff McGee, 3807 Idle Court,
20 Bowie, Maryland. I am the Director of Facilities Management at
21 The Washington Home, been there three plus -- three years.

22 MR. KEYS: Did you have occasion to survey the
23 status of the parking lot on a particular day this year?

24 MR. MCGEE: Yes. We -- I conducted a car count on
25 4/11/02 from 7:00 a.m. to 7:00 p.m.

1 MR. KEYS: Did you do hourly checks on the parking
2 on that day?

3 MR. McGEE: Yes, I did.

4 MR. KEYS: Do you know the -- or do you have the
5 results of those hourly checks on parking?

6 MR. McGEE: Yes, I do.

7 MR. KEYS: Could you tell me what the peak count on
8 the parking lot on April 2nd of this year -- or April 11th of
9 this year was and what time that peak occurred?

10 MR. McGEE: The peak was at 1:00 p.m., and it was
11 136 cars.

12 MR. KEYS: Have you examined or looked at the chart
13 that Mr. Andres introduced into the record showing the parking
14 distribution counts on the parking lot in May of 2001?

15 MR. McGEE: I wasn't aware of that until today.

16 MR. KEYS: What I'd like you to do is I'm going to
17 put it up, and I'd like you to look at it, and I'd like you to
18 compare the numbers, the peak numbers, with the numbers that you
19 discovered.

20 I think you'll actually probably need to bring it
21 closer to him to be able to see it.

22 Does the distribution of vehicles across the day in
23 that chart parallel the distribution of vehicles on the parking
24 lot on the day you examined the parking lot?

25 MR. McGEE: They resemble them closely, except at

1 7:00 I have a higher car count, at 7:00 a.m., than what he is
2 showing on his.

3 MR. KEYS: Right. Does the shape of the curve
4 that's created by those data points on that chart -- does that
5 shape resemble the chart that you have prepared?

6 MR. McGEE: Very closely.

7 MR. KEYS: Thank you. Did you also, on that date,
8 examine the visitor logs for April 11th of this year?

9 MR. McGEE: Yes, I did.

10 MR. KEYS: Do you have an idea of the total number
11 of visitors to the site during the course of that particular day?
12 And this is just based on the signatures in the log.

13 MR. McGEE: It's from the visitors log, and there
14 were 150 on that day.

15 MR. KEYS: Is there any pattern to the distribution
16 of those visitors arriving or coming to the site and signing in?

17 MR. McGEE: We have heavy times. One is at noon,
18 and that's 22 visitors. And the other one is at 4:00 p.m., and
19 that's 21 visitors.

20 MR. KEYS: Did you examine visitor logs for any
21 days in addition to April 11, 2002?

22 MR. McGEE: Yes, I have 4/9 and 4/10 as well.

23 MR. KEYS: April 9th and April 10th?

24 MR. McGEE: Yes.

25 MR. KEYS: Do you know what the total visitor count

1 for those two days was?

2 MR. McGEE: It's 105 for both days.

3 MEMBER ETHERLY: Just to clarify, is that combined,
4 or is that 105 each individual day?

5 MR. KEYS: 105 on each individual day, and then 150
6 on 4/11.

7 MEMBER ETHERLY: Thank you.

8 MR. KEYS: Now, do the visitor logs, as you've
9 looked at them, do they identify whether the purpose of the visit
10 may have been a visit to a patient or an administrative visit or
11 some other way of determining why a person is coming to The Home?

12 MR. McGEE: Yes, they all have -- they all write
13 down who they are visiting and what time they arrive.

14 MR. KEYS: Thank you, Mr. McGee.

15 VICE CHAIRPERSON RENSHAW: Mr. Chairman, a question
16 for Mr. McGee. Did you count the number of doctors' cars on
17 4/11?

18 MR. McGEE: No, I did not. It's all visitors log
19 only. That's all I have.

20 VICE CHAIRPERSON RENSHAW: So there is no
21 designation of physicians versus --

22 MR. McGEE: There might be a -- that might be
23 another log. This is just the visitors log.

24 VICE CHAIRPERSON RENSHAW: Just the visitors log.

25 MR. McGEE: Right.

1 VICE CHAIRPERSON RENSHAW: But you didn't look at
2 any doctors log.

3 MR. McGEE: No. It's -- the doctors -- it's not a
4 lot of doctors.

5 VICE CHAIRPERSON RENSHAW: Not a lot of doctors.

6 MR. McGEE: No, it's --

7 VICE CHAIRPERSON RENSHAW: How many?

8 MR. McGEE: I mean, probably at most maybe five or
9 seven doctors at one time. I mean, and that's over the course of
10 the whole day.

11 VICE CHAIRPERSON RENSHAW: How many doctors on
12 staff?

13 MR. McGEE: That are our employees?

14 VICE CHAIRPERSON RENSHAW: Yes.

15 MR. McGEE: Two or three.

16 VICE CHAIRPERSON RENSHAW: Two or three. All
17 right. Was there anything going on on April 11th that would push
18 the count to 150?

19 MR. McGEE: No. No, not --

20 VICE CHAIRPERSON RENSHAW: Any board meeting? Any
21 --

22 MR. McGEE: There wasn't anything on --

23 VICE CHAIRPERSON RENSHAW: Any activity?

24 MR. McGEE: No. We -- we're always heavy Tuesday,
25 Wednesday, and Thursday. We are very heavy on those days.

1 VICE CHAIRPERSON RENSHAW: Okay. All right. Do
2 you patrol the lot during the day on a regular basis? Is this
3 something that you do?

4 MR. McGEE: We have security guards that check the
5 lot about hourly.

6 VICE CHAIRPERSON RENSHAW: All right. And
7 normally, do people stay about two hours?

8 MR. McGEE: Two to four hours, yes.

9 VICE CHAIRPERSON RENSHAW: Two to four hours.

10 MR. McGEE: And it depends if they're here -- a lot
11 of people come and they are volunteers, or whatever. They might
12 stay longer.

13 VICE CHAIRPERSON RENSHAW: Okay. All right. Thank
14 you.

15 MEMBER ETHERLY: Just one little bit of follow up.
16 On the visitor log issue, those are individuals that have each
17 signed a particular line on that log. There is no way to tie
18 each of those names to a vehicle, so -- so it would be
19 inappropriate to presume that 150 visitors on April 11th means
20 150 vehicles, of course. Okay. But there's no way to track how
21 many visitors have come per vehicle.

22 MR. McGEE: No. Some people put their tag number
23 down, and some people don't.

24 MEMBER ETHERLY: Okay. Okay. Gotcha. Thank you.

25 VICE CHAIRPERSON RENSHAW: At present, are there

1 designated spaces for visiting doctors?

2 MR. MCGEE: Not for doctors. There is for
3 visitors, though.

4 VICE CHAIRPERSON RENSHAW: But there is nothing
5 that says "Reserved For Physicians"?

6 MR. MCGEE: There is one spot.

7 VICE CHAIRPERSON RENSHAW: Just one spot. Why was
8 --

9 MR. MCGEE: He's our resident doctor.

10 VICE CHAIRPERSON RENSHAW: The resident doctor.

11 MR. MCGEE: The one -- the main doctor that we
12 have.

13 VICE CHAIRPERSON RENSHAW: All right. And he is
14 one out of three -- one out of two or three?

15 MR. MCGEE: Right. He is our main doctor.

16 VICE CHAIRPERSON RENSHAW: All right. Has there
17 been any discussion among the administration to designate
18 additional spaces as reserved for physicians?

19 MR. MCGEE: There is some talk about doing that,
20 because the doctors are -- have shown disgruntlement about not
21 being able to park in a timely basis to get in to see their
22 patients.

23 VICE CHAIRPERSON RENSHAW: That's what I remember.

24 MR. MCGEE: And they are a little upset about that,
25 and they voice their concerns.

1 VICE CHAIRPERSON RENSHAW: All right. And how long
2 has that talk been going on?

3 MR. McGEE: Ever since I've been there.

4 VICE CHAIRPERSON RENSHAW: And you've been there
5 for --

6 MR. McGEE: Three years.

7 VICE CHAIRPERSON RENSHAW: -- three years. Why
8 hasn't something been done about reserving those spaces?

9 MR. McGEE: There is really no place to put them.
10 We don't have a place to put them. We have -- our parking lot is
11 jam packed, full of people.

12 VICE CHAIRPERSON RENSHAW: Is there a hierarchy of
13 --

14 MR. McGEE: No. Catch as catch can.

15 VICE CHAIRPERSON RENSHAW: So it's first come,
16 first serve.

17 MR. McGEE: Except for the handicapped spots.

18 VICE CHAIRPERSON RENSHAW: Except for the
19 handicapped. So you don't -- you don't pull out the physicians,
20 even though they are complainants, and say, all right, because
21 they are physicians, and they have a tight schedule, that they
22 are going to have at least three spots reserved for them?

23 MR. McGEE: No. There is three spots in the front
24 of the building, and that's for other -- there is one for the
25 doctor, one for the Director of the Board, and one for the

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1 Employee of the Month. And that's it.

2 VICE CHAIRPERSON RENSHAW: When did this Employee
3 of the Month parking spot become available? How did --

4 MR. McGEE: It's been there three months -- three
5 years. Ever since I've been there, and before then. We have --

6 VICE CHAIRPERSON RENSHAW: Three years.

7 MR. McGEE: We have a sign up. It's right at the
8 beginning of the -- right in the front of the building.

9 VICE CHAIRPERSON RENSHAW: And they fight over that
10 spot.

11 MR. McGEE: People will park there if you don't
12 watch out.

13 VICE CHAIRPERSON RENSHAW: How did the parking spot
14 of the month ever come about, though?

15 CHAIRPERSON GRIFFIS: We don't need to go too far
16 --

17 VICE CHAIRPERSON RENSHAW: I just want to know.

18 CHAIRPERSON GRIFFIS: -- into the management of the
19 firm.

20 VICE CHAIRPERSON RENSHAW: No, I just want to know
21 how -- because here we are, The Washington Home is wanting these
22 spaces, so I'm just wanting to know a little bit more about the
23 employee of the month parking space.

24 MR. McGEE: Right.

25 VICE CHAIRPERSON RENSHAW: If it's catch as catch

1 can, if it's first come, first serve, if you don't have any
2 special places reserved for physicians who are complaining about
3 having to circle through the parking lot and maybe park in the
4 neighborhood.

5 CHAIRPERSON GRIFFIS: Sounds like they value their
6 employees more than the doctors who visit.

7 (Laughter.)

8 MR. McGEE: It's something to show our appreciation
9 to an employee, motivational, whatever, and that's one thing we
10 do. It's been going on for ages.

11 VICE CHAIRPERSON RENSHAW: Okay. Thank you.

12 CHAIRPERSON GRIFFIS: Okay. Other questions? Mr.
13 Graham?

14 MR. GRAHAM: On April 11th, how many vehicles were
15 ticketed for being improperly parked?

16 MR. McGEE: I don't have that number.

17 MR. GRAHAM: How many vehicles were -- were any
18 ticketed at all?

19 MR. McGEE: I don't have that information.

20 MR. GRAHAM: Did you determine how many vehicles in
21 your lot had zone 3 stickers?

22 MR. McGEE: All I did was count the cars.

23 MR. GRAHAM: So you don't know how many people
24 stayed less than two hours either, do you?

25 MR. McGEE: No, I do not.

1 MR. GRAHAM: Early in the morning, have you noticed
2 that people park illegally? Have you noticed that people park in
3 illegal spaces even when legal spaces are open, because they
4 happen to be closer to the front door?

5 MR. MCGEE: That does occur.

6 MR. GRAHAM: On April 11th, was someone parking in
7 the employee of the month spot?

8 MR. MCGEE: I couldn't answer that.

9 MR. GRAHAM: That's all I have.

10 CHAIRPERSON GRIFFIS: Do you have knowledge, or are
11 you in charge of ticketing and enforcement on the parking lot?

12 MR. MCGEE: Yes.

13 CHAIRPERSON GRIFFIS: Okay. Can you tell me a
14 little bit, and tell this Board a little bit, what that procedure
15 is?

16 MR. MCGEE: We give every employee a hang tag on
17 their rearview mirror --

18 CHAIRPERSON GRIFFIS: Right.

19 MR. MCGEE: -- when they're employed. They're
20 supposed to display that at all times. If you don't display
21 that, we put a pink piece of paper that says, please, you know,
22 get a proper parking pass. That's all we do. Unless they're
23 parked in the circle, and if they're in the circle for a period
24 of time we will call the police on them to have it towed, because
25 that is a fire lane for the ambulance and the fire truck.

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1 CHAIRPERSON GRIFFIS: Okay. Good. Thank you.

2 Commissioner -- oh, I'm sorry. Does ANC have any --

3 MS. PERRY: I just have one question. I heard you
4 say that some of the visitors were volunteers. Are they actual
5 parents or children coming to visit parents, or you just said
6 that some of the visitors were the names of volunteers? Does
7 that mean they're employees of some sort or health care workers,
8 or what kind of visitors?

9 MR. McGEE: We have a volunteer program to help
10 with activities in The Washington Home, and people come and
11 volunteer their time as a community service to help out with
12 activities or what else might be going on.

13 MS. PERRY: Okay.

14 MR. McGEE: They're not actual employees.

15 MS. PERRY: Okay. Does every employee -- when you
16 were examining the parking lot, did every car have a Washington
17 Home sticker, or the blue tag, the day you were visiting it?

18 MR. McGEE: The hang tag?

19 MS. PERRY: The hang tag.

20 MR. McGEE: Not every vehicle.

21 MS. PERRY: So some of the cars on your lot could
22 have been from the post office, from Sidwell Friends, or another
23 institution in the area.

24 MR. McGEE: When I was observing the parking lot,
25 and it was on a regular hourly basis -- and it started earlier

1 than 7:00, but I observed it then -- post office people park
2 along Upton and along 37th Street. They don't come in our lot
3 because they'd get stuck in it, and they can't leave, and they
4 leave before our employees leave.

5 MR. KEYS: I have no redirect for Mr. McGee.

6 CHAIRPERSON GRIFFIS: Okay. Thank you, Mr. McGee.

7 Mr. Keys, is that your last witness?

8 MR. KEYS: Yes, Mr. Chair, it is.

9 CHAIRPERSON GRIFFIS: Okay. Can I have the parties
10 up at the table? Oh, just at the table, just have a seat. We
11 don't need any bench conferences here. I can just talk --

12 (Laughter.)

13 -- totally in the open.

14 We are at, according to the clock in the hearing
15 room, about 20 of 6:00. Clearly, we have a little bit more to
16 get through, so I want to reschedule this. We have a date in
17 mind that's accommodating. What I want to do, first of all, is
18 get a general idea of how much time we have left to run through
19 everything, although we're taking an hour so the parties are
20 pretty much tied to that.

21 Mr. Keys, I understand -- you obviously have
22 closing remarks, and you have two minutes, 38 seconds, according
23 to that clock, left on the hour to present the case. So what I
24 would like to do is move this to July 9 in the afternoon. At
25 this point, it would be the first case in the afternoon.

1 MR. GRAHAM: I apologize. I have an enormous
2 arbitration that begins on July 9.

3 CHAIRPERSON GRIFFIS: How's everyone else on that
4 date? Mr. Graham, is there anyone else that could represent your
5 party?

6 MR. GRAHAM: Well, quite frankly, I've put a lot of
7 effort into it, and I don't know if there's anyone else that
8 would be able to devote that amount of effort to -- I've spent a
9 lot of time talking to different people and getting people
10 organized to come here, and that sort of thing.

11 Is it permissible for me to survey my witnesses and
12 see what their availability is? Is that something that would be
13 helpful, or not?

14 CHAIRPERSON GRIFFIS: If you ask them if they're
15 available on the 9th. But, yes, actually get some dates. This
16 is what I would like to do in this case, and I try in every case,
17 is to continue this as close as possible to this date. Putting
18 it off doesn't serve the Board well, in terms of how much we need
19 to review.

20 So if you would look at your schedule for July.
21 August we have nothing available. And so I'm going to ask you
22 also to look at September.

23 (Whereupon, the proceedings in the foregoing matter
24 went off the record at 5:37 p.m. and went back on
25 the record at 5:42 p.m.)

1 CHAIRPERSON GRIFFIS: Okay. First of all, Mr.
2 Graham, Mr. Keys, ANC, what are blockout dates which you
3 absolutely can't make it?

4 MR. GRAHAM: Unfortunately, because of the
5 summertime, I did it the other way around. Everyone is available
6 between July 23rd and July 26th. And everyone is available in
7 September.

8 CHAIRPERSON GRIFFIS: What about August?

9 MR. GRAHAM: August everyone -- there is a -- you
10 know, everyone is vacating the humidity I guess.

11 CHAIRPERSON GRIFFIS: What about August 6th?

12 MR. GRAHAM: Everyone is -- not everyone. We have
13 one person who is in town.

14 (Laughter.)

15 Out of four witnesses.

16 CHAIRPERSON GRIFFIS: That doesn't get a lot of
17 sympathy from us, I must say.

18 (Laughter.)

19 MR. GRAHAM: Well, it's the combination of
20 schedules. But on that particular day --

21 CHAIRPERSON GRIFFIS: Okay. The week you're in
22 town, the week of --

23 MR. GRAHAM: July 23rd through 26th.

24 CHAIRPERSON GRIFFIS: So July 30th is not
25 available.

1 MR. GRAHAM: I know that I'm not going to be here
2 on July 30th.

3 CHAIRPERSON GRIFFIS: You're not available on the
4 30th?

5 MR. GRAHAM: That's correct. I'm going to be out
6 of town, and I'm not going to tell you where because you'll be
7 mad at me.

8 CHAIRPERSON GRIFFIS: Are you available on the 6th
9 of August?

10 MR. GRAHAM: I am available on the -- I personally
11 am available on the 6th.

12 CHAIRPERSON GRIFFIS: But your witnesses are not.

13 MR. GRAHAM: My witnesses are scattered to the
14 winds.

15 CHAIRPERSON GRIFFIS: And I hear Ms. Wiss is also
16 not available on the 6th. All right. This is it. And if this
17 one doesn't work -- this is our official regulation process -- we
18 put all of the dates in a hat and we pick one. So September
19 10th. I'm kidding about the hat thing.

20 (Laughter.)

21 MR. GRAHAM: The 10th is fine with us.

22 CHAIRPERSON GRIFFIS: Mr. Keys?

23 MR. GRAHAM: We promise to vote in the morning,
24 early and often.

25 CHAIRPERSON GRIFFIS: Yes. But some people might

1 be working on campaigns. We wouldn't want to --

2 MR. KEYS: Mr. Chair, I just would like to state --
3 and I know it's obvious -- the amount of postponement that's been
4 occasioned in this case. And it's been done to accommodate the
5 late arrival of parties who claim not to have received notice of
6 that which was right in front of them.

7 Now, the party that is represented -- or has Mr.
8 Graham as the spokesperson is composed of a number of similarly
9 situated people. And I think that before we discard the July 9th
10 date because of Mr. Graham's unavailability, we look at any one
11 of the number of people who have been identified as immediately
12 affected neighbors who have formed an organization, and that they
13 carry this forward as a spokesman rather than delay two months.

14 MR. GRAHAM: If I can --

15 MR. KEYS: If Mr. Graham is the only person who is
16 not going to be here, I don't think the case rests solely with
17 his availability.

18 MR. GRAHAM: First of all, I didn't canvas other
19 people, because I knew I wasn't going to be here. Number two, I
20 am a party personally. Number three, part of the process has
21 been accommodated, and I think it's great that Mr. Keys did this,
22 but he went off to Korea to The World Cup for three weeks, which
23 is fantastic. That's part of the --

24 CHAIRPERSON GRIFFIS: Okay.

25 MR. GRAHAM: -- gap we've previously had.

1 MR. KEYS: I'm sorry. I don't believe Mr. Graham
2 is a party. I believe Mr. -- the organization is the party. Mr.
3 Graham is simply the designated spokesperson.

4 CHAIRPERSON GRIFFIS: Right, indeed. It's a
5 combined party, of which he is part of the total party, and I
6 think that the -- the point of clarification Mr. Graham was
7 making was that he was not the hired attorney representing the
8 party.

9 MR. KEYS: I understand.

10 CHAIRPERSON GRIFFIS: Okay. Well, on most
11 occasions, I might say you're correct, Mr. Keys, and that there
12 are able bodies in similar situations within the party, that we
13 should go to the July 9th. It certainly serves this Board.

14 However, I think -- and I'd like to hear from other
15 Board members -- I think it does, in fact, prejudice the party at
16 this time, noting the amount of effort Mr. Graham has put into
17 the preparation of it. And giving two weeks for a reparation
18 of somebody I would imagine would be quite difficult, and may
19 actually hinder their case.

20 I would press upon to see perhaps -- I don't know
21 what your schedule is in terms of -- I forget what you said you
22 were in, but -- arbitration.

23 MR. GRAHAM: Yes. It's --

24 CHAIRPERSON GRIFFIS: Is it something that -- how
25 long --

1 MR. GRAHAM: One of my friends here said, "Oh,
2 won't it settle?" Unfortunately, it won't settle for reasons
3 that I don't need to go into here. It's going to last -- we know
4 exactly how long it's going to last. It's going to last until
5 the 19th. That's why I offered the 23rd through the 26th. And
6 then, after the -- of July.

7 CHAIRPERSON GRIFFIS: Right.

8 MR. GRAHAM: And then, we know that after that is
9 when people, including myself, start going off on vacations.

10 CHAIRPERSON GRIFFIS: But in terms of the July 9th,
11 in terms -- for the arbitration process that you're involved in
12 --

13 MR. GRAHAM: It's a definite go.

14 CHAIRPERSON GRIFFIS: I understand that. But I'm
15 not understanding what the daily time requirement would be.

16 MR. GRAHAM: Well, it's an all-day -- it's like a
17 trial in court, except it's between -- it's a private trial as it
18 were, an arbitration.

19 CHAIRPERSON GRIFFIS: Right. So you're
20 anticipating that it's going 9:00 to 5:00 at least.

21 MR. GRAHAM: Yes, it will go 9:00 to 5:00, and, as
22 I'm sure the Board is aware, it means a great deal of preparation
23 early in the morning, late at night, for each day of it.

24 CHAIRPERSON GRIFFIS: Board members?

25 MEMBER ETHERLY: Mr. Chair, you sought some

1 comment. This -- I mean, we've had a day full of tough calls
2 here. I know that staff and you have looked very diligently at
3 some alternative dates that work here.

4 I, too, am concerned about the potential of
5 prejudicing a party's efforts to prosecute its case effectively
6 if we do move forward with the 9th. However, given the tightness
7 of the schedule and given what we've tried to do to accommodate,
8 I think everyone in this matter -- I'm inclined to agree with Mr.
9 Keys in this situation that the 9th is an appropriate day, and
10 there will just have to be some type of arrangement.

11 And I -- of course, it -- I can't even begin to
12 assess what kind of impact that would potentially have on Mr.
13 Graham's life, of course, as he's preparing for an arbitration in
14 addition to have to work with somebody else to get them up to
15 speed here. But that appears to be the only workable option that
16 we have in front of us, short of moving towards September or
17 even, God forbid, October in this matter. That's where I fall
18 out, Mr. Chairman.

19 VICE CHAIRPERSON RENSHAW: Mr. Chairman, where I
20 fall in on this matter is that I would go with September 10th. I
21 think that that is an agreeable date. It seems that everyone
22 here has -- seems to say that that is an available date on their
23 schedule. I do not think that we should prejudice this party,
24 and so, therefore, I would not be in favor of postponing only to
25 the 9th, but I feel that September 10th is the best day --

1 CHAIRPERSON GRIFFIS: Okay.

2 VICE CHAIRPERSON RENSHAW: -- for everyone.

3 MR. KEYS: Mr. Chair, may I complicate matters
4 further? I think if you --

5 CHAIRPERSON GRIFFIS: No.

6 MR. KEYS: -- if you remember, we submitted with
7 our application the Certificate of Need that was issued by the
8 agency that governs health institutions. And that certificate
9 indicates very clearly that our approval of the hospice expires
10 in September. And that's the deadline that I advised the Board
11 of that we were working towards, and that's why we didn't want to
12 admit a long postponement in this case. That's still a real
13 deadline.

14 MR. KOGAN: Mr. Chairman, may I offer a comment?
15 When the neighborhood became aware that The Home would have --
16 The Home's proposal, rather, would have a very direct impact on
17 their everyday lives, they quickly organized themselves into a
18 group that would be able to present a case here and present their
19 point of view.

20 And in organizing themselves, they assigned tasks
21 to each individual based on that person's particular skills. We
22 have people who are highly skilled in landscape architecture and
23 project management. Mr. Graham was seen as somebody who could
24 take on that task of leading the case in a manner of organizing
25 and generally managing the effort.

1 I think in that role he has done a fine job, and I
2 think he is indispensable, really, and it would be injurious to
3 the neighborhood to have a hearing scheduled at which Mr. Graham
4 could not be present. I would strongly encourage the Board to
5 consider the September 10th date.

6 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I might
7 recommend that we divide this case. Could we take on the hospice
8 section and dispose of that, and take on the parking lot at a --
9 or the parking facility at the September 10th date?

10 CHAIRPERSON GRIFFIS: I think it's an excellent
11 idea. I'm just not sure how to do it. I mean, do we have a
12 full-blown hearing on the hospice, basically severing this
13 application?

14 MR. GRAHAM: Well, one problem with that is the tie
15 that The Home has made directly to the parking. It's been
16 suggested, as I gather --

17 CHAIRPERSON GRIFFIS: Right.

18 MR. GRAHAM: -- that they separate it before, and
19 they have declined to do so.

20 CHAIRPERSON GRIFFIS: I don't know.

21 MR. KEYS: Please don't speak for The Home, Mr.
22 Graham.

23 If it's possible to sever that -- I mean, first
24 off, as I look at the resolution by the ANC, and I look at every
25 document submitted by the community in this case, no one has any

1 objection to the hospice addition. Perhaps that is susceptible
2 to a summary order. It doesn't impact the parking. That would
3 allow -- at least allow us to preserve the Certificate of Need,
4 which expires, as I look at it, on September 20, 2002.

5 COMMISSIONER MAY: Can we take that up on July 9th?

6 MR. GRAHAM: Again, from my perspective, their
7 parking report is tied to their hospice, and we wish that weren't
8 so. We think that they -- it shouldn't be. We think it's
9 inappropriate that it is tied that way, and the neighborhood
10 doesn't want to be bad guys. We want health institutions to
11 thrive and survive.

12 But if this health institution's notion of thriving
13 is to continue adding as they have now done every five years or
14 so, and then say all of a sudden that we've got a parking
15 problem, that seems to us to be -- that they are inextricably
16 linked, and that's unfair.

17 As to Mr. Keys, I apologize for speaking for him,
18 and he can apologize for speaking for me, because we do oppose
19 the hospice addition on those very grounds. They have tied them
20 together in their reports. We don't want to be those -- do that,
21 but they have made it that way.

22 CHAIRPERSON GRIFFIS: Okay. This is what I'd like
23 to do, and I think this is what we're going to do, is on July 9th
24 we will call this case in the afternoon, the first case in the
25 afternoon. We will be set -- severing this application and

1 looking at the hospice addition, the increase in the number of
2 beds for a total number of four.

3 We have heard all of the case -- the applicant's
4 case on that, and we heard the architect, who was, in fact, able
5 to be cross examined by all of the parties on that up to this
6 point. So I think what we will do is look to have the case -- we
7 will proceed down -- this is going to be kind of difficult,
8 because we've got all of our government reports that are
9 obviously going to tie our application. But this Board is
10 diligent enough to separate out that information specifically.

11 And we would move along on that. We will hear
12 cases from the parties based on that, and then I will look to
13 September 10 to finish the entire case on the application, which
14 will obviously be attendant to the parking spaces increase.

15 COMMISSIONER MAY: Can I offer another suggestion?

16 CHAIRPERSON GRIFFIS: No.

17 COMMISSIONER MAY: Okay.

18 CHAIRPERSON GRIFFIS: Okay. Mr. May.

19 COMMISSIONER MAY: In the -- I know it's an
20 unlikely event, but in the unlikely event that for some reason
21 Mr. Graham's schedule were to change, and we could proceed with
22 the entirety of the case, can we leave the door open for that
23 possibility?

24 MR. GRAHAM: I'd be delighted if my schedule would
25 change.

1 COMMISSIONER MAY: Well, we understand that it's
2 highly unlikely, and we're, frankly, doing all of this to
3 accommodate your schedule. So I think that -- I mean, if it --
4 if for some reason something changes -- things change --

5 CHAIRPERSON GRIFFIS: I think that's going right
6 there.

7 COMMISSIONER MAY: Oh, I see.

8 CHAIRPERSON GRIFFIS: Well, we'll leave it at that.
9 That's -- it's an excellent opportunity. It's very difficult to
10 act so quick because that date is fast approaching us.

11 Mr. Graham, if you were to find out tomorrow that
12 your schedule changed -- as soon as you do, it would be
13 appreciated if you would call the office here. We will try and
14 contact everybody to see if we can't get it going. I think by --
15 well, there it is, if that's an opportunity.

16 Okay. September 10 we have -- is it in the
17 morning? Yes, absolutely. This will be the first case in the
18 morning on September 10th, 9:30.

19 MR. KEYS: And the July 9th, afternoon?

20 CHAIRPERSON GRIFFIS: July 9th is --

21 MR. KEYS: At --

22 CHAIRPERSON GRIFFIS: -- 1:00, first in the
23 afternoon.

24 MS. PERRY: May I just ask one question on the
25 process now? Is the Office of Planning going to make their full

1 report? And the Department of Transportation is here -- are they
2 making their reports on July 9th? I guess I'm just trying to
3 figure out, do we separate our testimonies now into The Home --

4 CHAIRPERSON GRIFFIS: Absolutely.

5 MS. PERRY: Okay. And then the rest of the report
6 gets done on the 10th.

7 CHAIRPERSON GRIFFIS: Yes.

8 MS. PERRY: Okay. And I think the reason I'm
9 asking is that The Home has requested parking for the hospice,
10 and indicated a number of beds that's -- I mean, spaces that are
11 needed to accommodate the hospice, so they are really linked.
12 And I guess I'm having a hard time splitting it.

13 I think, you know, we've sat here -- I just want to
14 say one thing. The neighborhood has been here now for two
15 hearings ready to go.

16 CHAIRPERSON GRIFFIS: We have gone.

17 MS. PERRY: Well, we were ready to present our --
18 the ANC report, Office of Planning, the neighborhood case is
19 ready to be presented. And, you know, Mr. Keys has added more
20 witnesses and more witnesses, and we've heard two days of
21 testimony from them.

22 CHAIRPERSON GRIFFIS: Okay.

23 MS. PERRY: And to have this case split now, and
24 the lawyer who, I have to be honest, was not a zoning at all
25 lawyer and we had to train him, who did this whole box, you know

1 --

2 CHAIRPERSON GRIFFIS: Okay.

3 MS. PERRY: -- it just doesn't seem fair to split
4 it to July 9th.

5 CHAIRPERSON GRIFFIS: I see. Well, we have lots of
6 things to take into consideration. Also, Mr. Keys' adding
7 witnesses still stayed within an hour of his time.

8 MS. PERRY: Not if you take both days of testimony.
9 I've been timing it, so --

10 CHAIRPERSON GRIFFIS: I see. Well, we have another
11 option. We can continue tonight. We're all here. We could keep
12 it running. I would anticipate the rest of this case would take
13 close to three and a half to four more hours.

14 MS. PERRY: At least. At least.

15 CHAIRPERSON GRIFFIS: Last week this Board sat for
16 13 hours.

17 MS. PERRY: We did it with the Burke case. I
18 remember. I never want to do that one again.

19 Okay. July 9th.

20 CHAIRPERSON GRIFFIS: Indeed.

21 (Laughter.)

22 VICE CHAIRPERSON RENSHAW: So, Mr. Chairman, it's
23 my understanding, then, on July 9 you are doing the four beds
24 only, and not anything having to do with the parking lot.

25 CHAIRPERSON GRIFFIS: Well, I think it's going to

1 be difficult to do, but -- and I think we need to accommodate it.

2 We will be looking at the hospice addition and the special
3 exception for it. So the test will have to be made and the case
4 will be made for it.

5 SECRETARY PRUITT: Excuse me, Mr. Chairman. Would
6 you also like, then, for the government, if they could, to do
7 some supplemental reports dealing strictly with the hospice end
8 of it, or analysis that way?

9 CHAIRPERSON GRIFFIS: I'm going to leave that to
10 their discretion. If they think that it would lend clarification
11 to the Board -- otherwise, I think it's going to be clear enough
12 as we look through their reports what goes to the addition and
13 what doesn't.

14 And as I say, it -- I think the Board is aware of
15 the large picture of this, and I think we can separate it. I'm
16 going to ask everyone's diligence and directness in also
17 separating it. And then we can move on and -- and get where we
18 need to go.

19 Okay. Anything else we need to cover? Before you
20 ask, I will have staff reiterate all of what we've just said. So
21 nobody move until they have the last word. But are there other
22 items that we need to accomplish?

23 VICE CHAIRPERSON RENSHAW: I just want to state for
24 those who are here that I will be away on July 9, but I will read
25 the record, and I will vote on this case.

1 CHAIRPERSON GRIFFIS: Submissions -- I don't recall
2 that we had any additional submissions today, except that with
3 that presented in evidence, hopefully we might have some of that
4 that was -- anything attendant to the addition for July 9th.
5 Landscaping is coming to mind.

6 MR. KEYS: I think that you requested information
7 --

8 CHAIRPERSON GRIFFIS: Oh, okay.

9 MR. KEYS: -- regarding the interior green space on
10 the existing lot as a percentage. And that's the only thing, I
11 believe, that you've asked us to supplement.

12 CHAIRPERSON GRIFFIS: Okay. Well, Ms. Bailey I'm
13 sure will correct us all.

14 MS. BAILEY: Mr. Chairman, can you hear me today?

15 CHAIRPERSON GRIFFIS: Indeed.

16 MS. BAILEY: What I have in addition to what Mr.
17 Keys just mentioned, Mrs. Renshaw had indicated that she wanted a
18 tree preservation study to include the root systems, how will
19 they be protected of the trees, and to provide a list of the
20 number and type of trees. So that is something that I have, if
21 Mrs. Renshaw still needs that information.

22 VICE CHAIRPERSON RENSHAW: Yes, please.

23 MR. KEYS: I don't recall it that way. I recall
24 her asking for the list, but I think she wanted information about
25 how it would be protected during construction. And I think that

1 came out --

2 MS. BAILEY: Mrs. Renshaw, what do you need?

3 VICE CHAIRPERSON RENSHAW: All right. Let me
4 clarify. I had asked for a list of what's being removed that's
5 in good shape, the numbers, the types, and the sizes, because
6 that was at the point where our landscape -- your landscape
7 expert talked about 25 of the evergreens in poor health. And I
8 asked about the remaining, what's being removed that's in good
9 shape, the numbers, the types, the sizes.

10 MR. KEYS: Okay. So it's the 51 removed trees.

11 VICE CHAIRPERSON RENSHAW: In the purple category.

12 MR. KEYS: Right.

13 MS. BAILEY: And, Mr. Chairman, you needed for me
14 to just kind of summarize what the Board will be doing the next
15 time. The case has been bifurcated. On July 9th, the Board will
16 take up the hospice addition only, and testimony will be limited
17 to that. On September 10th, there will be a continuation of the
18 testimony concerning the increase in the number of parking
19 spaces.

20 July 9th it will be in the afternoon session
21 starting at 1:00. September 10th it will be at the morning
22 session starting at 9:30. We will start next -- at the next
23 hearing with a presentation of the Office of Planning and other
24 government agencies. And, again, that testimony would be limited
25 specifically to the hospice addition.

1 And, Mr. Chairman, I'm not sure if I'm missing
2 something, but I'd be pleased if you would add whatever it is.

3 CHAIRPERSON GRIFFIS: That sounds absolutely
4 complete to my recollection.

5 Mr. Etherly?

6 MEMBER ETHERLY: Mr. Chair, just to clarify that
7 the information that Mrs. Renshaw was seeking -- in case it might
8 be responsive, Exhibit 9 -- and perhaps Mr. Keys can speak to
9 this, and I don't want to bog us down, because I know we're
10 winding down.

11 Exhibit 9 is a July 29, 2001, parking expansion
12 tree inventory list that was provided by -- I'm going to
13 mispronounce this, I'm sure, but it appears to be Deruff
14 Landscape. I'm not certain if the -- and it appears to be a very
15 detailed description of the state of each of the trees on the
16 property, the type of tree, current status or condition of the
17 tree, and location of the tree.

18 If those numbers by chance correspond to the
19 identification numbers that are noted on Exhibit C01 that was
20 prepared by the architect, we might be in good shape, Mrs.
21 Renshaw, in terms of having a clear --

22 VICE CHAIRPERSON RENSHAW: Well, perhaps those
23 numbers could be clarified for us.

24 MR. KEYS: Yes. Sadly, Mr. Etherly, I don't think
25 it works that well.

1 MEMBER ETHERLY: Okay. I just wanted to take a
2 crack --

3 MR. KEYS: Yes. We'll have to get what she wants,
4 and we'll get it --

5 MEMBER ETHERLY: But you're close.

6 MR. KEYS: -- next week.

7 MEMBER ETHERLY: You're close because you have a
8 basis. All right.

9 Thank you, Mr. Chair.

10 CHAIRPERSON GRIFFIS: Okay. Everybody clear?
11 Dates? When we're coming back? Last chance for anything else?
12 In which case, then, we can adjourn the 25 June 2002 afternoon
13 hearing of -- public hearing, and thank you all very much.

14 (Whereupon, at 6:10 p.m., the proceedings in the
15 foregoing matter were adjourned.)

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